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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 18 OF THE CONVENTION

Second Periodic Reports of States parties

Addendum

AUSTRIA

V.89-62545

PART I

Austria ratified the Convention on the Elimination of All Forms of Discrimination Against Women in 1982 and prepared an initial report in 1983 (cf. CEDAW/C/5/Add.17 of 1 Nov. 1983). The initial report, which contained detailed information on equality between men and women at that time, was discussed with its supplements at the 4th meeting of CEDAW in Vienna (21 Jan. -
2 Feb. 1985, cf. A/40/45, Supplement No. 45).

The present second report builds on the first report and therefore confines itself to those measures which were taken in the years 1983 to 1988 towards achieving equal status for women,(as updated in the final editing in February 1989). It surveys legislative changes, consciousness-raising activities, special assistance programmes, incentives and initiatives as well as trends and problems. Moreover, the report contains a correction to the first report (see Article 11 para. 1(b)). The report was prepared by the State Secretariat
for Women's Affairs in cooperation with representatives of the various Ministries. It includes all information and final corrections submitted by the Ministries until 25 February 1989 inclusive.

In the period under review, an important element in the efforts to achieve the objective of equal rights for men and women in accordance with the provisions of the Convention was increasing public awareness. Therefore, consciousness-raising activities were pursued and expanded by the multiplicity of organizations seeking to promote equality, a multiplicity which is a structural characteristic of the situation in Austria. These organizational units established in various sectors at the federal and state levels exercised political and programmatic functions; they discussed action projects with the organizations representing women and other interests

involved, disseminated the conclusions drawn from the various studies to specific addressees, undertook the necessary actions, and monitored and evaluated them.

One important strategy was to integrate the issues of social justice associated with the achievement of equality with relevant programmes and programm budgets. Another important strategy continued to be the promotion of cooperation between organizations and bodies concerned with womens problems and interests and ever wider sections of the population, so as to ensure a deeper perception of the problem and thus achieve generally accepted ways of eliminating all forms of discrimination against women. Of political significance for these longer-term processes were the aims and intentions expressed by members of the Government and of Parliament.

Substantive areas of emphasis in activities

Efforts to remove any remaining forms of legal discrimination against women were consistently pursued in the period under review (e.g. the elimination of some persisting rôle-specific differences in school curricula).

In Austria, during the period under review, the most important areas for promoting the equal status of women were the translation of the equal rights guaranteed to women by law into social reality. One of the main areas of emphasis in this connection was in the field of vocational training and work (combatting the gender segregated labor market, promoting equal treatment on the job). Here, it must be noted that the situation in the public service is hardly comparable to conditions in the private sector. The former - traditionally- has to some extent the function of a model for the latter.

In addition to legislative action (widening the scope of equal treatment laws), information campaigns and specific assistance programmes and incentives, as well as counseling activities, efforts to change attitudes are of great importance in this context (e.g. eliminating prejudices with respect to occupational choices for girls). A large number of activities and programmes were launched and are being launched to strengthen the occupational position of women ("Daughters can do better", the special programme to assist women in federal employment, the Labor Market Policy Programme for Women).

One difficulty with which practically only working women (but not men) have to grapple is the compatibility of work with family responsibilities. Austria's schools are half-day schools, and the child-care facilities for small children (of two or three years) are not sufficient either - at least not outside the big cities.

Efforts to introduce women into all sectors of the occupational spectrum and to make traditional men's jobs accessible to women have been successful in the period under review. But for the time being, only a few women are able to reach the higher echelons of professional hierarchies. Education may be cited as an example. 61% of the teaching staff in Austria's schools are women. Although there are more women than men in the teaching profession, men occupy the majority of leading positions. In the country's secondary schools (secondary level I), the proportion of women principals is only 11%, in grammar schools it is 15%, and among regional school inspectors it is 13%.

In view of recent labor market trends (faster rise in the unemployment rate of women since 1986), the focused counseling and training of women is a new area of concentration in the work of the employment service. Another desideratum is giving women de-facto equality in the area of social security (minimum

safety net as regards rights to draw unemployment pay and emergency relief benefits).

"Violence against Women" was another main problem area which occupied the attention of organizations and agencies concerned with women's questions (the reform of criminal law in respect of sexual offences, the setting up of an Advisory Council on Sexism).

As regards their political representation, women are still far from achieving equality. Although women have been able in the period under review to increase their proportion in the National Assembly from 10.9% to 14.2%, this still does not mean that they participate in the political decision making process on equal terms with men. For this reason, a quota system was adopted within the Socialist Party in 1985.

Austria intensified its participation in international activities relating to women and in international organizations during the period under review (e.g. membership in the United Nations Commission on the Status of Women and greater participation in the Committee on Equatily of Women and Men of the Council of Europe). In Austria, these offorts included the creation of an inter-ministerial committee on international womens affairs in the State Secretariat for Womens Questions, and increased interministerial coordination in these areas.

Besides the (primarily legislative) measures which are explained in detail in Part II of this report, the activities of the State Secretariat for Women's Questions and of the divisions concerned with women's problems of the Federal Ministry of Labor and Social Affairs are of essential significance to the achievement of the aims of the Convention. Hence, a brief survey of the activities of these agencies should be given here.

- Sexual harassment in the office;
- Female activities long forgotten;
- Childcare facilities in Upper Austria;
- Not knowing where to go - research project with women from the fringes of society;
- Women working in automated offices;
- Girls in non-traditional professions;
- Family and the job;
- Working and health conditions of male and female workers in the textile and garment industry;
- International study on initiatives for the advanced training of women in the field of new technologies;
- Preparation of a project diary on a model course where jobless girls and boys may acquire basic skills in the field of handicrafts;
- Possibilities to take account of the interests of male and female workers in the organization of shift work; together with a study on the extent and trends of shift work. The aim of this project is, above all, to determine how significant working hours regulations are for harmonizing occupational and child-care responsibilities.

In a serial publication concerning the social and occupational position of women, another two research reports were published in the period under review:

- Women operating word processors - office rationalization;
- Equal treatment of women and men in terms of language - linguistic recommendations for treating women and men in the public sector equally in terms of language.

The Federal Ministry of Labor and Social Affairs also prepared one section of the "Report on the Situation of Women in Austria" published 1985 (No.3: The Job).

o In the special field of "General and International Affairs of Working Women", studies, information and educational activities were continued in the reporting period.

One of the key issues addressed together with other governemental bodies was the international agenda management for and of women's questions within the framework of the United Nations and the Council of Europe. Also, the organization of and participation in national and international symposia, inquiries, conferences and expert meetings were important for the promotion of equal opportunities for women.

The exchange of experience on the implementation of the Convention, which was organized within the framework of the Council of Europe and chaired by Austria, has shown that women often lack information on their rights and possibilities to assert these rights. The report of the results of the exchange of experience was distributed, which contains the guidelines for reporting procedures by the contracting states to the central authorities at the federal and state levels, the professional representative bodies and the women's organizations.

PART II

This part of the Report gives a survey of various measures taken by Austria to implement the Convention.

Article 2

In the reporting period it was possible in Austria to abolish existing legal regulations constituting discrimination against women. At the same time, measures were taken aimed at preventing de-facto discrimination against women.

Article 2 para.(2)

In 1988, the modification of the Federal Constitution and the Civil Service Regulations Act created the basis for the equal treatment of women in terms of language. Until then, the masculine gender was used exclusively for indicating functions and titles, which practically amounted to a linguistic non-existence of women. Now, functions and titles must be used in a manner indicating the sex of the person having that function or title.

Article 2 paras. (b) and (c)

In 1985, the Equal Treatment Act was amended, which had been adopted in 1979 and which prohibits any form of discrimination on account of sex when it comes to fixing payment; its scope was extended and it is now called "Law on the Equal Treatment of Women and Men in Working Life". Today, it also relates to

- the granting of voluntary fringe benefits, and
- basic training and advanced training measures within the companies.

In addition, the amendment contains a prohibition of gender-specific job announcements and obligates companies to submit a report to the Equality Commission if so requested (e.g. if

non-compliance with the Equal Treatment Act is suspected). Also, the granting of assistance funds by the federal government is now tied to the compliance with the Equal Treatment Act by the individual company.

If the Act is violated, both female and male employees, as well as the works council or one of the professional representative bodies mentioned in the law may appeal to the Equality Commission. Breaches of the equal treatment principle may, however, be brought directly before the courts, just like violations of other Labor Code regulations. Court judgments in which a violation of the equality principle is ascertained must be publicized by the Commission in the official bulletin of the Federal Ministry of Labor and Social Affairs.

Since the Equal Treatment Act entered into force on July 1, 1979, the Equality Commission has had a total of twenty two plenary meetings, and the working parties have had six. Of the 14 motions that were introduced, three were decided by the Commission and ten were withdrawn due to the elimination of the discriminating circumstances. One case, which was instituted ex-officio as nobody else was entitled to apply, was dismissed because the grounds for discrimination had been removed.

The labor market authorities have taken account of the Equal Treatment Act and its intentions in so far as since January 1986 vacancies have been announced in a sex-neutral way in all publications of the employment service.

In addition to conducting formal proceedings, the Equality Commission tries to raise the awareness of the general public by means of PR activities. For example, upon the initiative of its members a study was carried out on behalf of the FMLSA on the linguistic equality of women and men in the public sector. This study not only analyzes the problems of equality in the

German language but also makes recommendations for descriptions of occupations and titles, forms of address, descriptions of functions and job announcements and, moreover, contains palpable proposals for the language used in forms and questionnaires. The Federal Ministry of Education, Arts and Sport recommended the civil servants of the ministry and also the commissions in charge of reviewing teaching aids to take these proposals into account.

Even before the period under review, guidelines for the sex-neutral announcement of posts were issued for the federal service. As far as legal provisions already existed for announcing job vacancies, men and women were addressed equally. Several reviews have shown that discriminating job announcements hardly occur any more. From 1990 onward, the 1989 Act will govern job announcements for the federal service. Objectifying admission to the public service has led to two essential improvements for women: The labor market of the "public service" is becoming transparent and admission tests are of the same standard and are assessed according to the same criteria. The person evaluating the tests will no longer know the sex of the tested person. After successfully passing the test, the applicant is put on a list. The sequence of applications is determined by the date when the application was filed.

Article 2 para. (d)

Cf. Article 4 para.1: "Program for the Advancement of Women in the Federal Service" and "Labor Market Policy Program for Women".

Article 2 para. (c)

In January 1987, an Advisory Council on Sexism was set up within the framework of the State Secretariat dealing with discrimination against women in the media. Membership of the Council includes women from science, arts, literature, the media and advertising as well as representatives of women's organizations. The Council's activities consist in

- PR activities (sensitizing the general public to adverse presentations of women in the print and visual media; information on social contexts),
- documentation of discriminating presentations of women (exhibition, archive),
- protest activities against sexist presentations,

- promotion of media strategies that are free of aggression and sexism,
- preparation of suggestions for the collective right to sue in case of discriminating presentations of women (together with creation of sanctions).

Article 2 para.(f)

The Federal Act concerning Modifications of the Law of Persons, Marriage Law and Parents and Child Law (1983) simplified administrative procedures for remarrying women. Until then, women could remarry only if at least ten months had passed from the date of the termination of the former marriage - in order to remove any uncertainty as to the legitimacy of children that might be born during that time - or if a marriage licence was granted. Such de-facto discrimination against women has been eliminated.

Since 1983, women who are victims of sexual offenses have been questioned by female detectives, if possible, which is also the result of an initiative taken by the State Secretariat. To have women also on the police staff in rural areas, women have been trained as police officers ("gendarmerie"police force) since 1983. At present, there are 42 women on the gendarmerie staff in Austria.

The 1987 Penal Law Reform has improved the situation of women acting as witnesses in criminal proceedings against sexual offenders:

- Both before the investigating judge and in the trial, the (female) witness has the right to be accompanied by a person in whom she has confidence;
- before the facts about her personal life are discussed, the woman may move that the general public be excluded from that part of the trial; the court must pronounce the exclusion of the general public "if protectible interests prevail". Whether such protectible interests prevail is left to the discretion of the court;
- moreover, the court is obliged under an explicit provision to ensure that an open trial does possibly not lead to revealing the identity of the victim to a larger number of people;
- during the trial, photos must not be taken;
- basically, questions about "circumstances from the most private sphere of the witness" (former sex life of the witness) must not be raised; this provision, however, is limited by the addition "unless it appears to be indispensable under the specific circumstances".

The reform of penal law on sexual offenses was nearly completed in 1988. In contrast to the former legal situation, it will contain the following provisions:

- the offense and the sentence are to be made dependent not on the conduct of the victim (offering resistance) but of the offender (use of force),
- rape by the husband will entail the same punishment as rape in general.

Due to a modification of fiscal law in 1986, joint acquisition of housing property (up to a usable floor space limit of 150 square meters) was exempted from gift tax. Until then, the wife, unless earning money herself, had to pay gift tax for her share. The former provision contained a discrimination against non-working wives compared to working wives and was thus in

contravention of applicable family law according to which housework and gainful activity are considered equal contributions to the family income.

Article 4 para.1

Both the State Secretariat for Women's Questions and the Federal Ministry of Labor and Social Affairs concentrated their efforts in the reporting period on spreading the substance of the provisions of Article 4 para.1 of the Convention regarding "temporary special measures aimed at accelerating de facto equality between men and women". The FMLSA Division for General and International Affairs of Working Women, for instance, identified and analyzed such special measures for the comparative

study on positive action in favor of women carried out by the Council of Europe in 1984. In 1987, a pilot study in the German language was distributed in Austria to a variety of institutions, organizations and persons together with a second questionnaire in order to bring it up to date.

Further measures included:

The "Program for the Advancement of Women in the Federal Service", which was launched in 1981 and was initially to be terminated in 1985, was prolonged by decision of the Cabinet Meeting for an indefinite period in 1985. The program's aim is to provide active support to women in the federal service, focusing on two priorities:

- making technical sectors accessible to women,
- encouraging the promotion of women to leading posts.

In both respects, the program has been successful. It has been possible to get women into leading positions of the public administration and the judiciary - there are, for instance, two directors-general and a female president of the Administrative Court; women are also members of the Supreme Court and the Administrative Court. At the same time, it has been possible to

be borrowed free of charge.

In this context, mention may also be made of the resolution of the National Council of September 28, 1988, in which the federal government is called upon "to take care that discrimination against girls is eliminated in all fields of social life through legislative and political action".

With a view to creating new vocational opportunities for girls, the Commission for School Reform - which is one of the major advisory bodies in this field - thoroughly analyzed the situation of women and girls in the field of education in October 1988 and made palpable proposals how to combat rôle-specific behavior.

Article 5 para. (b)

This paragraph relates to the common responsibility of men and women in the upbringing and development of their children. In consideration of this fact, the Austrian parliament has been discussing an extension of the entitlement to maternity leave for years. According to current law, entitlement to maternity leave is restricted to women: dependently employed mothers (but not fathers) have the opportunity to take maternity leave until the child reaches the age of one and to return to their jobs thereafter. The extension of this legal entitlement - in the form of an optional or divided maternity leave - to the father has been under discussion for a while - both in the interest of the principle of equal opportunities for working women and in the interest of reducing the traditional division of tasks within the family. In 1986, the National Council (Lower House of Parliament) adopted the introduction of optional maternity leave; the legal regulation, however, was vetoed by the Federal Council (Upper House). Meanwhile, negotiations on a new regulation have been resumed in parliament.

In this connection, the public sector took advance action in 1988. The regulation of compensations payable to civil servants on termination of their services, which was exclusively designed for women but gave them only a superficial advantage, was formulated in a sex-neutral way; entitlement was reduced to the child completing its sixth year of age and - as an essential improvement which, for the time being, favors almost exclusively women - the time of employment necessary for getting an old age pension remains ensured as the employer is obliged to pay social insurance contributions to the insurance company of the private sector.

An essential improvement in respect of harmonizing professional and family responsibilities is the creation in 1985 of the opportunity for female civil servants to reduce their working hours by half for a duration of a total of four years during their careers. Women - and also men once paternity leave will be introduced - have a right to reduce their working hours for a total of two years) until the child completes the age of five. Already now, men and women in the federal service may apply for such a reduction (for not more than two years) if they have to care for family members, for instance. It may be mentioned that this sex-neutral possibility is almost exclusively made use of by women.

On January 1, 1988, the Act on Provisional Maintenance for Minors entered into effect. This Act provides that women get maintenance payments for their children fast - in concrete terms: Not as late as after completion of maintenance proceedings but already at the beginning. If the father does not comply with his duty to pay maintenance, provisional advance minimum maintenance may be paid out from the Family Burdens Equalization Fund.

Article 6

Efforts were made (primarily to settle legal questions) to include prostitutes in the general social security system. While prostitutes are liable to taxation, there has been no possibility so far to afford them coverage under the general health and pension insurance schemes.

Article 7 paras (b) and (c)

In the interest of the advancement of women, existing mechanisms at the national level were strengthened in the period under review, new ones were created and the powers of the bodies dealing with women's issues were expanded. The major improvements have been the following:

- In 1987, the Federal Chancellor entrusted the State Secretary for Women's Affairs with general powers for dealing with women's issues at the interministerial level.
- Reorganization, and thus upgrading, of the women's unit at the FMLSA into a higher ranking department.
- Creation of a women's unit at the FMEAS (with a budget of its own), in charge of discrimination against women (school girls, female teachers) in the field of education.
- Appointment of special commissioners for women's questions in some of the federal states.
- In the Vienna State Governmen one portfolio was expanded to include "Women's Questions".
- The employment services of Vienna and Lower Austria, together with other institutions, created a "Labor Market Counseling Service for Women".
- In 1987, an offensive was launched for establishing a network among autonomous women's projects.

Studies show that the political interest of the female population of Austria has increased sharply during the last two decades. While in 1969 53% of women said they were uninterested in politics, the figure was "only" 28% in 1986. A survey made in 1987 indicates that women below 30 have a greater political interest than men of the same age. Despite this fact, women are still rare in leading political positions. This applies both to legislative authorities as well as to political parties and professional organizations (e.g. trade unions). Gradually, it has been possible to increase the share of women in public political bodies:

In the National Council (Lower House), for instance, it increased from 10.9% to 14.2% in the reporting period. At present, there are 3 female members of government (just like in 1983). They are in charge of: the State Secretariat for Women's Affairs, the Federal Ministry of Education, Arts and Sport, the Federal Ministry of the Environment, Youth and the Family. In 1986, a woman was for the first time made president of the National Council.

We have seen from experience that slogans alone ("More Women into Politics") lead to no results, and therefore the Austrian Social-Democratic Party's (SPÖ) women's organization decided to adopt palpable goals and filed a motion to introduce the quota system. The formulation adopted by the SPÖ party convention and laid down in the party statutes says that when appointments to party posts are made or lists of candidates for public offices are prepared attention must be paid to the fact that the share of women corresponds to the share of female staff members, but not less than 25%. A report must be submitted to the competent party body on the compliance with this provision.

Indeed, it was possible in 1986 in Vienna to get more women into political positions when the municipal council and the local parliament were elected: The share of women of the

social-democratic faction of the municipal council is now 28% and 33% in the Vienna regional government.

For the first time in the history of Austria, the government met in closed session in May 1986, which was exclusively devoted to policies for women. Just like the State Secretariat for Women's Affairs, the Federal Ministry of Labor and Social Affairs prepared a comprehensive program for that occasion: "Measures and perspectives for the equal treatment of women". These measures focus on the choice of professions, training, employment and the labor market, new ways of child-care, models of internal training measures for equal treatment, working hours, working conditions and social law. The responsibility

for the implementation of these measures, however, was not fixed because of the general elections to the National Council. Until new decisions are taken, their implementation is one of the priorities of the activities of the Division for Basic Women's Affairs at the FMLSA.

Article 8

Admission to the diplomatic service as well as assignment to diplomatic posts has been open to women on an equal basis with men. For many years, women have been appointed to posts like ambassadors and consuls-general and have also had leading positions in the Federal Ministry of Foreign Affairs. An increase can also be observed in the number of women embarking on a diplomatic career.

In the interest of promoting equal opportunities and equality, Austria has been supporting endeavors made by international organizations such as the UN Secretariat, the UN Specialized Agencies, the Council of Europe and OECD.

Austria is also making use of the Vienna headquarters of the UN and cooperates closely and directly with the UN Division for the Advancement of Women.

In the interest of rendering mutual support in matters of the advancement of women, the State Secretariat initiated the preparation of a program dealing with the cooperation among Austrian institutions and bodies concerned with women's issues and the UN system. This cooperation has led to round-table talks and joint activities in the field of research, it comprises Austria's participation in UN expert seminars on women's issues as well as getting assistance for its policies of sensitizing the general public as well as the media for the international concerns of women. In this connection, mention may be made of the fact that within the framework of the State Secretariat, a working group was set up dealing with "international concerns of women".

Austria's activities at the international level regarding women's issues include the application for membership in international commissions, the organization and preparation of or participation in conferences and meetings.

The following activities are examples of this effort:

- Successful application by Austria for membership in the UN Commission on the Status of Women (CSW). Formal and informal preparation of the 1989 CSW Meeting - e.g. representation of Austria in an ad-hoc preparatory group for this meeting as well as information for Austrian experts on the goals and possibilities of this meeting through a representative of the UN Division for the Advancement of Women.

- Initiative for holding an international consultation "Women in Public Life" (1990/91).

- Participation of Austrian experts and observers in UN expert seminars for the implementation of the forward-looking strategies.

- Participation in the Committee on Equality of Women and Men of the Council of Europe.

- Participation in the "Women and Development" working group within the framework of the 1988 North-South Campaign as envisaged in the decisions of the Council of Europe and the European Community, in the European Coordination Committee of which Austria has the chair. This participation has led in Austria to some 25 events.

- Upon Austria's initiative it was decided to organize the 1988 Conference of International Members of Parliament at Barcelona concerning the question of the implementation of the goals of the forward-looking strategies.

- Participation in the OECD body "Women in Development". Upon recommendation of the OECD and in view of the implementation of the forward-looking strategies, the State Secretariat set up a working group "Women in Development" consisting of representatives of government agencies, non-governmental organizations and independent experts. Activities center on the advancement of women in the development process and the implementation of OECD guidelines at the national level. Furthermore, development projects are evaluated in respect of their effects on the female population.

Article 10 paras (b) and (c)

The fact that all types of schools are accessible for both sexes has been endorsed by the elimination of sex-specific school names (e.g. Institute of Economic Professions instead of Institute of Economic Professions for Women).

The 10th Amendment to the School Organization Act (1987) abolished some of the still existing sex-specific differences in the curricula:

- In secondary schools, participation in "home economics", which had been mandatory for girls only, is now compulsory for both sexes;
- in the 7th and 8th grades, the differentiation of handicrafts instruction (textile handicrafts for girls; technical handicrafts for boys) by sex has been abolished. Independent of sex, boys and girls may now choose between textile or technical handicrafts. This regulation is an important step toward equality. Already in 1985, an amendment to the School Organization Act provided that a group of instructors all of whom were women and, due to their training, were only allowed to teach "textile handicrafts" (formerly: "handicrafts for girls") and "home economics" were now given the opportunity to attend a preparatory training course enabling them to improve their qualifications and to take the teacher's examination and thus get better pay and be on an equal footing with the rest of the teachers instructing at compulsory schools. This possibility has so far been taken by about one third of the instructors concerned. The amendment to the School Organization Act not only removed one of the dead-end streets in the field of education but also eliminated the discrimination against female instructors of traditionally "female" subjects that had existed for many decades.

The 11th Amendment to the School Organization Act (1988) renamed the "Wirtschaftskundliches Realgymnasium für Mädchen" (secondary school emphasizing economic science for girls) "Wirtschaftskundliches Realgymnasium" leaving out "for girls". It was not only the name of the school type that was changed, but also the educational subjects that were modified (reduction of rôle-specific instruction).

Article 11 para.2 subpara.(a)

See Article 5 para.(b): Planned extension of entitlement to maternity leave.

Article 11 para.2 subpara.(b)

The study "Women's jobs, maternity leave and occupational reintegration" carried out on behalf of the Federal Ministry of Labor and Social Affairs in 1984 shows that only one fifth of dependently employed women avail themselves of the opportunity to return to their jobs after one year of maternity leave as provided under the maternity leave regulations.

Article 11 para.2 subpara.(c)

In 1987, the Federal Ministry of Labor and Social Affairs carried out a study on childcare facilities in Upper Austria (capacities, opening hours, what parents want). Its result: There is a need for childcare facilities that are open throughout school holidays and stay open longer during the day.

Within the framework of the labor market assistance scheme, a program was adopted to assist kindergartens with opening hours suitable to male and female employees. This program was improved in 1988. Childcare facilities with longer opening hourse, which meet the requirements of the employees, may receive assistance amounting to one half of the additional payroll costs over a period of three years. In the same way, initiatives launched by parents themselves may be granted assistance. Childcare benefits, that can be granted until the child is 12, are now the same for all of Austria. This allowance replaces in part or in whole expenses for putting the child into a kindergarten, another childcare facility or in the care of "daytime mothers". The benefits are to enable job-seeking women with children to take on a job or to participate in training schemes of the employment services; moreover, women who would lose their jobs because they have to look after the children, are to be given an opportunity to keep their jobs. In addition, assistance is also provided to "daytime mother" projects taking care of infants.

To reconcile job and childcare responsibilities (especially when the child is 2 or 3 years old) is often very difficult as childcare facilities for infants are hard to find outside the cities. How this problem is to be solved is still a matter of - very controversial - discussions. Opinions whether the parents of infants should be relieved of their job responsibilities or of childcare, and if so to what extent, differ greatly.

While a general reduction of working hours and the development of facilities substituting the family are demanded by some, there are others who want to try to solve the problem by means of a "child-raising allowance". In 1988, four Austrian federal states (Vorarlberg, Tyrol, Upper Austria and Lower Austria) introduced such an allowance. It is designed to benefit primarily low-income families with infants. The conditions for being granted such an allowance, its amount and the time during which it is paid vary from state to state. In Lower Austria, for instance, it may already be claimed after the first child, in Vorarlberg after the second and in Upper Austria and Tyrol after the third child. The Vorarlberg and Tyrolean regulations explicity demand that one parent is not gainfully active; in Tyrol and Upper Austria, the child-raising allowance is granted only during the child's second year of life, in Vorarlberg and Lower Austria during the second and third. Many bodies dealing with women's issues at the federal level, above all the State Secretariat, have pressed the point that this regulation, although formulated in a sex-neutral way, could also be used to keep women away from the labor market and thus be in contravention of equality provisions and would at any rate not help reconcile job and family responsibilities.

Article 13 para.(b)

Since early 1986, legal provisions have been in force governing the protection of the spouse who shares liability for a credit. This regulation is sex-neutral and is beneficial, as experience shows, mostly to women. In case of divorce, many women bearing

secondary liability for their husbands' credits are not able to meet the financial obligations vis-à-vis the bank. The new regulations now offers the possibility to turn the secondary liability of the spouse, upon request, into a deficiency guarantee.

In addition, the Act requires that borrowers (male and female) are thoroughly informed by the banks about their obligations.

Article 14 para.1

As regards the elimination of discrimination against women under the law of entail (succession upon death in rural communities), the government has prepared a draft.

Article 14 para.2 subpara.(b)

In 1982, protection of working mothers was extended to cover rural women (farmers) and self-employed tradeswomen in order to relieve them of their professional responsibilities eight weeks before and eight weeks after childbirth (and twelve weeks after premature births, multiple births and Cesarian sections). During this time, women are entitled to benefits enabling them to employ appropriately trained persons and to maternity benefits for employing farmhands. This legal provision, the duration of which was initially to end by 1984, was prolonged for an indefinite period, particular emphasis being placed on its health policy effect.

Article 14 para.2 subpara.(c)

The 13th Amendment to the Farmers Social Insurance Act is an important step toward improving the situation of rural women and toward recognizing their position in agricultural enterprises. The amendment takes account of the fact that the majority of farming enterprises is run jointly by the farmer and his wife. Since only the (male) farmers are registered as owners with the pension insurance institution as a rule, their wives have no pension of their own when they retire. The (sex-neutral) amendment now permits pensions to be split if proof can be furnished that the enterprise was jointly run for a total of 120 calendar months (as full-time job).

Article 14 para.2 subpara.(d)

Between January 1985 and June 1986, the State Secretariat, the Family Ministry and the Ministry of Agriculture funded an educational project for rural women in Upper Austria and Salzburg. Within the framework of seminars, rural women were trained for working in and with women's groups.

Article 16 para.1 subpara.(d)

In the course of the reform of the Youth Welfare Law, which was about to be completed at the end of 1988, discrimination against unmarried mothers vis-à-vis married mothers was to be eliminated. Before the enactment of the reform unmarried mothers were granted guardianship for their children only after filing an appropriate application. The law attempts to achieve equality between unmarried and married mothers in this respect.

Article 16 para.1 subpara.(g)

At present, the possibility is being discussed of reforming the names law. Since 1976, engaged couples may decide in Austria whether to keep his or her name as a common family name. The spouse whose name was not chosen as the common family name (which in more than 90% of the cases is the woman's name), has the right to add the previous name - after a hyphen - to the new family name. This regulation has met with increasing criticism, above all by professionally highly qualified women. Under section 4 of the Name Changing Act (1988), the spouse whose name was not chosen as the common family name may apply for keeping his/her former name if the changed name would entail unreasonable disadvantages in economic or social terms. As the changing of names - apart from economic and social consequences - is sometimes also considered a loss of identity and keeping one's former name is at present possible only after changing the name twice, alternatives are being considered to that complex regulation. The State Secretariat for Womens Affairs has held consultations with the Federal Ministry of

Justice concerning a possible expansion of the applicable legal provisions. It would be imaginable to create, in addition to existing regulations, the possibility that each of the partners keeps his/her name if desired, and the family name of the child is fixed only after it is born; in case of dispute, the mother's family name should also be the family name of the child.

Abbreviations:

FMLSA	**Federal Ministry of Labor and Social Affairs**
FMEAS	**Federal Ministry of Education, Arts and Sport**
FMSR	**Federal Ministry of Science and Research**
ÖBB	**Austrian Federal Railways**
SPÖ	**Austrian Social-Democratic Party**
VOEST	**United Austrian Highgrade Steel Works**

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

Second Periodic Reports of States Parties

Addendum

REPUBLIC OF KOREA

V.90-80195

of a world strategy on women, and collects and disseminates information on women's concerns. It also makes recommendations to the government so that its findings can be reflected in government policies.

18. The National Committee on Women's Policies was established under the office of the Prime Minister on December 8, 1983. It is the highest committee of the government on women's affairs and is in charge of deliberating on and coordinating national policies concerning women. It focuses especially on providing basic plans and integrated policies for women's development and coordinates the policies of various administrative organs concerning women. It consists of twenty members with the Prime minister as its chairperson, half of its members from the ministers of relevant government ministries and the rest are from among experts on women's issues. There are other government committees dealing with women's issues; these include the Committee to Provide Guidance to Women in Prostitution, and the Council of Women's Guidance.

National Plans for Women's Development

19. In 1985, the Masterplan for Women's Development and the Guidelines for Elimination of Discrimination Against Women were adopted as government policies by the Committee on Women's Policies.

20. The bases of the Masterplan for Women's Development are the principles of cooperation, harmony, humanization, comprehensiveness, and integration. It focuses on three sectors :

utilization of women's resources, development of women's ability and healthy family life. The Masterplan suggests detailed plans for implementation by the relevant organs of the administration for the preparation period (1975-1986), the integration period (1987-1991), and the settlement period (1992-2000).

21. The Guidelines for Elimination of Discrimination Against Women contain concrete countermeasures against any possible barriers to women, such as unfair laws and systems, and against any lack of public cooperation in the process of implementing the Masterplan. The guidelines, along with their 81 proposals, deal with the four major sectors of employment, education, health, and the family life. A wide use of such guidelines by the government, private enterprises, and the general public will help to improve unequal social conditions, which hinder the contributions of women to national development.

22. In 1986, the Korean government formulated the 6th 5-year Economic and Social Development Plan(1987-1991) where the Sector on Women's Development was inserted as an independent field for the first time in history. The sector was drafted on the base of the Masterplan for Women's Development and the Guidelines for Elimination of Discrimination Against Women. It sets forth three basic goals; to promote women's self-realization and humane life, to expand women's participation in national development, and to promote healthy family life. The major policy directions are: the maximum utilization of women's resources, the active development of women's capacity, and to support family life and promote welfare, and strengthen support systems for women's development. The

policies and projects proposed at the plan have been implemented at the governmental and nongovernmental levels since 1987.

23. In Korea, 13 policy research institutes have prepared the Long-Term Perspective on National Development Toward the Year 2000 since 1982. The Korean Women's Development Institute which is in charge of a Sector on Women has completed the Women's Development Perspective in 1986 by reviewing the development process of Korean women, analyzing the present situation, put forth goals and directions for women's development, and proposed policy tasks in three fields: the development of women's capacity, the utilization of women's resources, and healthy family life.

Effect of the Convention on Domestic Law

24. As regards the effect on domestic law of international conventions and other legal instruments which are binding upon the Republic of Korea under international law, the Constitution provides in article 5 that "treaties duly concluded and promulgated in accordance with the Constitution and the generally recognized rules of international law shall have the same effect as the domestic laws of the Republic of Korea."

25. Article 5 of the Constitution means that treaties concluded by the Republic of Korea and generally recognized international laws have the same effect as domestic laws, without specific legislative measures to incorporate them into Korean domestic law.

26. Since the Convention on the Elimination of All Forms of Discrimination Against Women was ratified by the Republic of Korea, it therefore became part of Korean domestic law and can be invoked before, and directly enforced by the courts, other tribunals or administrative authorities of the Republic of Korea.

PART II - INFORMATION IN RELATION TO ARTICLES 2 TO 16

Article 2

27. As explained in Part I of this report, the Korean Constitution recognizes equality between men and women; furthermore, the Constitution has several articles to manifest and implement this principle concretely. The constitutional principle is applied in all spheres of Korean legislation.

Women's Position in the Labour Laws

28. The Labour Standards Act upholds the constitutional principle of equality by stating in article 5 that employers shall not discriminate against employees on account of sex.

The Labour Union Act also provides in article 11 that a member of a labour union shall not be subjected to discriminative treatment under any circumstances due to sex. The Act guarantees basically equality between men and women in employment and special protection for pregnancy and maternity with provisions of one-year child care leave as well as 60 days paid maternity leave. The Act also imposes

the duty upon employers to provide child care facilities in the work place. The Equal Employment Opportunity Act was established in 1987 which has come into force since April 1, 1988 and revised for the insertion of provisions on the equal remuneration in 1989.

29. In consideration of the physiological differences between men and women, the Constitution provides that special protection shall be accorded to working women and children (Para.(4), art. 30). The Labour Standards Act includes some provisions which are designed to protect women from hard labour in accordance with the constitutional provisions. Chapter 5 of the Labour Standards Act which was revised in March, 1989 strengthened the provisions concerning special protection of women and children as follows:

> Article 10-The Labour Standard Law shall be applied to all enterprises that has more than five employees.
>
> Article 51-No female or minor under 18 years of age shall be authorized to engage in any work detrimental to morality or harmful to health. The kinds of work prohibited shall be provided by the Presidential Decree.
>
> Article 56-No female or minor under 18 years shall be authorized to work between the hours of 22:00 and 06:00 or on holidays, unless otherwise approved by the Minister of Labour.
>
> Article 57-An employer shall be forbidden to place any female 18 years or older on overtime work for a period exceeding two hours a day, six hours a week, and 150 hours a year, even if provided for in a collective bargaining agreement.

Article 58-An employer shall not place a female or minor under 18 years on any work inside a mine.

Article 59-An employer shall allow one day menstruation leave with pay per month upon the request of a female employee.

Article 60-(1) An employer shall allow a pregnant female employee 60 days paid maternity leave before and after childbirth; provided, however, that maternity leave with pay shall be granted for use for not less than 30 days after childbirth. (2) Pregnant female employees shall be transferred to other light and easy work upon their request and shall not be assigned to overtime work. Maternity leave without pay for one year is also guaranteed by the law.

Article 61-A female employee who has an infant under 1 year shall be allowed nursing periods twice a day of at least 30 minutes each.

Article 62-An employer shall bear the travel expenses necessary when a female or minor under 18 years returns home within 14 days from the date of their dismissal; however, when the reason for dismissal is attributable to the employee and the employer has obtained the confirmation thereof from the Labour Committee, this provision shall not apply.

Beside these, there are other articles which stipulate guidance and relief programmes for women and children who deserve special attention. Such articles include the debauchery prevention law, life protection law, and so on.

Women's Status in the Criminal Code

30. The only provision of criminal code, which touches upon the question of equality between the sexes, is the law concerning adultery. The current Criminal Code defines adultery as a criminal offense, which merits legal actions against both parties. Therefore, the Criminal Code contains no discriminatory provisions against women.

Article 3

31. The Constitution recognizes as supreme principles of State the guarantee of fundamental human rights, based on a respect for human dignity; the worth of the individual; and the equality of individuals before the law. These constitutional principles are strictly and consistently applied in the political, economic, social, cultural and other fields of public life.

32. Therefore, women are guaranteed enjoyment of human rights and basic freedoms on the basis of full equality with men.

Article 4

33. A sharp rise in demands for female labour in the process of modern industrialization made it necessary to assure medical and social protection for maternity by law. The related laws are the Maternal and Child Health (MCH) Act, the Industrial Health Act, the Labour Standards Act, and the

Child Protection Act. Article 51 of the Labour Standards Act defines six types of jobs forbidden to women. The following are measures to enhance the health of both mother and child:

- Offering registration and management services for expectant mothers and their foetus
- Offering delivery aid and supplying expectant mothers with proper nutrition
- Establishing and operating MCH centers
- Training MCH workers, and actively engaging in related education and publicity
- Launching a maternal physical protection program for working mothers on a continuous basis

34. Considering that the major difficulty of married women with their employment is child care, the Korean government since 1980 has established child care centers and has assisted employed women to make use of these centers. In September 1988, Seoul City opened City Day Care Centers in low-income areas. Plans are to open 115 more such day care centers in 1989.

35. The Ministry of Health and Social Affairs, which plans to utilize 1,201 Saemaul Nurseries as day care centers from next year, has prepared the legal ground for it by submitting a revised draft of relevant laws to include provisions on the standard of day care facilities, the number of children to be accommodated in each day care center, and the eligibility of children. The revised draft of the Children's Welfare Act will be submitted to the National Assembly for consideration.

36. There are also about 100 private day care centers in the

to a steady rise of women's learning opportunities. More than 99% of boys and girls attended primary school after it became compulsory in 1948. As of 1988, the ratio of middle school graduates advancing to high school in the same year stood at 92.1 percent for girls and 94.9 percent for boys, showing a little margin between male and female. The ratio of high school graduates entering college and university in 1988 was 32.7 percent for females and 37.0 percent for males. Of total enrollments in college and university in 1988, women accounted for 26.9 percent.

58. Co-education is widely practiced in school. All primary schools are co-educational, 53.3% of all middle schools are co-educational, and 37.1% of the total number of high schools include boys and girls in 1988.

59. Contents of textbooks being used in schools from 1989 began to be revised by principles of the equality between sexes, and also technical craft for male students and home economics for female students were merged into one subject. It has offered to both boys and girls in the middle and the high school since 1987. Along with revision of curricula, efforts to change teacher's sex-discriminative teaching are ongoing.

60. To cope with rapid changes taking place in the industrialized society and recognizing the limits of school education, life-long education has been promoted in recent years. Non-formal education was institutionalized under the Non-Formal Eudcation Law promulgated in December 1982, under which all citizens are accorded life-long opportunities for education so that they may improve their respective capabilities and values.

61. To cope with rapid changes taking place in the industrialization in the 1970s, vocational high schools provide education and training in over 90 courses of skill. Girls account for 51.2 percent of the enrollment in vocational high schools, but in technical high schools, the proportion of girls account for only 1.4 percent while in commercial schools for 77.8 percent in 1988. These figures reflect that there are still traditional prejudices against girl students to choose the technical course and approach to new technology.

Article 11

62. Equality between men and women in the field of employment is also guaranteed by law. The Constitution provides that all citizens shall have the right to work (para (1), art. 32), and that all citizens shall have the duty to work. (para (2), art. 32). The Constitution also guarantees the right to choose work by providing that all citizens shall enjoy freedom of occupation. (art. 15)

63. As regards to wages for workers, it is stipulated in the Constitution that the standards of working conditions shall be determined by law in such a manner as to assure the human dignity of workers, and that workers shall be guaranteed optimum wages. The revised version of the Equal Employment Opportunity Act includes the principle of the equal payment for the equal job regardless of workers, sexual identity. The Constitution also reflects the State's strong determination to carry on vigorous social welfare policies, including medical insurance, on the basis of sustained economic growth, in order that all the people can fairly

share the benefits of growth. These clauses are aimed at furthering national economic progress, while boosting the morale of workers and protecting their right to a decent life.

64. Women's participation in the economic sector increased as a result of Korea's rapid industrialization, starting in the late 1960s. It was particularly influenced by the direction of economic development, which concentrated investment in the manufactured export sector. There were 6,891,000 economically active women out of the total 15,308,000 women aged 15 and over as of 1988, making a women's labour force participation rate of 45.0%. Economically inactive women number 8,417,000, mostly are housewives and students.

65. Employed women by industry consisted of 22.9% of workers in primary industry, 29.2% in secondary industry, and 47.9% in tertiary industry as of 1988. Women's employment structure by industry, which was 46.5:21.9:31.5 in 1980, has changed with the agricultural sector being on the wane. Meanwhile, there was a remarkable increase in the composition rate of women workers in the industrial and service sectors.

66. One of the outstanding features of women's employment patterns over the past 10 years has been the increase of married women's employment. In the 1970s, most employed women were between 14 and 24 and unmarried. With the increase of students and decrease of the growth rate in this age group in subsequent years, they constituted only 21.19% of workers in 1988. On the other hand, the number of married women in employment kept rising; in 1988, 75.31% of all employed women were married, divorced or seperated. This phenomenon may be explained by the lower birth rate,

freedom from domestic chores and child rearing made possible through improved living standards, and a greater desire for self-realization among educated women.

67. The government has incorporated a sectoral plan for women's development in the Sixth Five-Year National Socio-Economic Development Plan launched in 1987. Envisaged under the plan for women's development are the establishment of nursery facilities at job sites and the introduction of a child care leave system under which female employees with infants may leave their jobs for some time to rear their infants and then return to their jobs.

68. Korean women are receiving more chances for vocational training. The government enacted the Basic Act for Vocational Training to motivate and encourage women to take such courses. There are about 295 training schools-public and government institutes, local training centers, and in-company training centers-which are training 63,429 students in about 167 categories, including electronics and industrial products in 1988. The government also plans to open a women's vocational training center in 1991. Thus the prospect is bright for the educational development of female workers.

69. Studies are also underway for the expanded employment of women on a part-time basis. If such social and institutional support were provided, women would be able to offer a more specialized and stable labour force in a wide range of fields and make a further contribution to their society and country.

Article 12

70. Men and women in Korea have equal opportunities for and equal access to health care services, including those related to family planning. In this regards, the Constitution provides that the health of all citizens shall be protected by the State. (para (3), art. 36)

71. The improvement in the health level for labourers, which is a driving force for labour productivity increases, has been closely interwoven with social economic development. Korean economic growth has improved the health level of women as well as of the general public.

72. Since 1987, the government has issued a Maternal and Child Health Care Handbook to expectant mothers to promote maternity health care on a nationwide scale. It aims to offer free pre- and post-natal care and free vaccinations to children up to three years old to prevent birth defects in advance and to lower infant mortality.

73. The government set up maternity health centers in remote areas without medical facilities beginning in 1979 and these are now number 97. They are in charge of medical services for delivery, emergency treatment, family planning and pre- and post-natal care.

Article 13

74. As already stated, the Korean Constitution is based on the equality between men and women, and the equality of

individuals before the law. Therefore, Korean women enjoy, on an equal footing with men, the right to family benefits, the right to bank loans, mortgages, and other forms of financial credit. Korean women also enjoy the right to participate in all aspects of cultural life, including sports.

75. The government has emphasized on the protection of fatherless families. There are 33 facilities for maternal and child protection to provide them with accommodations with basic living costs and services to help their self-reliance.

76. In 1988, the government planned to build a Center for Supporting Fatherless Families which would provide them room and board for those who have left the mother-child protection facility but still have not become financially self-standing. In addition, in April 1989 the Maternal-Child Welfare Law was enacted to support fatherless families and unwed mothers after meeting for a public hearing in June 1988. The law has come into force since July 1, 1989.

Article 14

77. The wave of industrial modernization since the 1960s has brought about rapid changes in rural life and the rural economy. Many young people and unmarried women have migrated to cities seeking jobs, leaving only the elderly, married women, and children behind in rural communities. Thus married women have had to assume leading roles in farming communities. Therefore rural women have not only performed domestic work and raised children but also farmed and managed the rural economy.

78. Women's participation in the labour force is much greater in rural areas than in urban areas. In Korean farm households, 58.3% of women were economically active in 1988, which in nonfarm households, the participation rate of women was only 42.0%. In the rural areas not only was the rate of economically active women greater than in urban areas in general, but that of women in their 30s and above showed a sharp increase. This indicates that the rural areas suffered a shortage in their labour force as the males and young girls migrated to the cities and industrial areas, and the gap created thereby was filled by middle-aged housewives. This reflects feminization of farming labour according to rapid industrialization and urbanization.

79. The Korean Government adopts and implements various programs designed to reduce the excessive workload of rural women and to support their activities and health. For example, the Primary Health Center Act was enacted to ensure that nationwide farming and fishing villages receive public medical facilities, along with health clinics which are usually staffed by nurse practitioners.

Article 15

80. Under Korean law, women and men have the same legal capacity with respect to the administration of property. In this connection, the Constitution stipulated that the right of property of all citizens shall be guaranteed. (para (1), art. 23)

Article 16

81. In relation to marriage and family relations, the Constitution provides that marriage and family life shall be entered into and sustained on the basis of individual dignity and equality of the sexes.

82. A draft of the bill revising the Family Law was submitted to the National Assembly in November 1988. The bill aims at realizing democracy with respect to the equal rights of all the family members by prescribing the revision of such articles as: definition of relatives, provisions, prohibiting the marriage between the couples of the same surname and geographic origin, guardianship of children in case of a divorce, and the rationalization of the inheritance law, which contains severe discrimination against women.

83. Since the family laws of any country are the codification of the cultural and social traditions and age-old customs of its society, revising the laws requires a general consensus of the people and thus takes time.

.....

INTRODUCTION

1. This report meets the requirements of article 18 of the Convention on the Elimination of All Forms of Discrimination against Women.

2. Peru as a State party has submitted an earlier report but since we do not want to repeat ourselves we will only mention some of the constitutional provisions which accord with what has been requested.

3. Nevertheless, we will list the situations which the reality of the problems of Peruvian women make it necessary to understand, more particularly in face of other realities; the analysis made is purely referential since there has been very little time for statistics, surveys or indicators, apart from which, experts and provisions at Government level are necessary; this has not been possible since there is no guiding organization in the matter.

4. The goodwill shown in submitting this report follows on from the responsibility assumed by the Directorate for Women's Affairs of the Ministry for Foreign Relations as an indispensable input for promoting the incorporation of women into overall development, for attaining the objectives of the Decade for Women, the Programme of Action approved in Copenhagen and the Nairobi Forward-looking Strategies for the Advancement of Women.

REPORT ON THE APPLICATION OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Part I

5. The general frame of reference in which women are developing in Peru is not too distant from the general framework of the problems of women of the area. Similar characteristics as regards race, language and tradition identify them as a segment of our population with all those of the Andes and because Peru is a country which represents a unique topography in the world with three regions marked by topographical and ethnic characteristics and customs that are very different, such as the coastal strip (Costa), an arid and desert-like fringe facing the Pacific; the uplands (Sierra) which are crossed by a chain of mountains formed by three ranges with very high snow-covered peaks and low temperatures that impart a certain peculiarity to their inhabitants who have retained for centuries their own customs and primitive and isolated living conditions; then we have the jungle area (Selva) of East Peru where there are tribes with lifestyles very different from those of the other regions described both as regards clothing, food and economic development. This is the reason why the Peruvian economy varies according to the region; along the coast, for example, where there are several valleys which are irrigated by the rivers flowing down the slopes of the Andes towards the sea there is agriculture; and then there is fishing, since Peru is a seaboard country greatly favoured by an ichthyological richness which is an economic resource of great value for the greater part of the inhabitants of the coast; besides the fishing there is also development of the fishing industry; in the uplands mining is being developed and in the few valleys there is agriculture as well, an activity which has been greatly encouraged since the time of the Incas, with the terrace system of growing crops irrigated by rainwater; this produces excellent results that cannot even be improved by modernization. The jungle, in addition, has its own resources

such as wood, oil and gas deposits, but they have not yet been exploited on account of their distance and the lack of communications, meaning that the transport of industrialized material is very costly.

6. In this way the socio-economic background against which both Peruvian women and men are developing follows certain regularities which are characteristic of the countries of the third world, also known as countries in process of a development peculiar to the whole of Latin America; hence the position of women cannot be considered as a phenomenon divorced from the set of determining factors which, as a consequence of the economic, social, cultural and political structure, possess special features of their own in accordance with the reality that confronts them.

7. Peru occupies third place in South America in terms of territorial coverage, possessing 1,285,215.6 km^2. The coastal area has 141,347 km^2, the uplands an average of 385,562 km^2 and the jungle region an area of 758,277 km^2.

Politico-administrative aspect

8. Under article 79 of the Constitution, "Peru is a democratic and social republic, independent and sovereign, based on labour. Its Government is unitary, representative and decentralized".

9. Peru is divided into 25 Departments and the Constitutional Province of Callao, which is also the first port which together with the capital, Lima, forms the metropolitan area with the highest population index.

10. The coastal strip is the most populated region on account of migration from the uplands to the coastal towns in search of better opportunities for work; the uplands with less economic development account for 39.4 per cent of the total population of Peru, while the jungle area, despite its size, is the least populated; it has only 10.6 per cent of the population, since its topography is mainly luxurious forest and extensive rivers are the only means of communication, with the exception of connection by air, but it is rich in natural products, species of fruit and wood, together with petrol and gas.

11. The total population at the present time is more than 20,207,100 inhabitants, 50 per cent of whom are women (source: INE, prepared by CEDM/MINJUS/1988).

12. For the reasons described in broad outline there is a strong contrast between the town and the country; for reasons of a socio-cultural and economic nature the uplands are the region that is most backward; they are a cradle of prejudice in which women are most disadvantaged by the triple burden that they have to carry in terms of their work; they are expected to be mothers, labourers and artisans, and often breadwinners, too, through lack of a male. In the jungle the people, among them the women, suffer extensively from the consequences of the isolation due to lack of means of communication, and on the coastal strip the most populated centres, which are the capitals of the departments, have concentrated a large number of people coming from the uplands and the jungle, thereby producing a new economic phenomenon - the informality; this stems from a lack of adequate structures and from the type of trade, mostly itinerant, which is practised by more than 50 per cent of the women and which is found in all the towns where the majority of the population

is concentrated. The migration and overpopulation at the extremes of development have brought about another social phenomenon, namely the marginal urban populations, known as the young towns, which have a large accumulation of migrants, and among which it is mainly the women who assume the role of head of family.

13. The recession, inflation and devaluation of our currency at a time of crisis affects not only Peru, but all of the underdeveloped countries; but for the reasons described Peru is suffering especially from this crisis, which is aggravated by the problem of the payment of foreign debts - an irrevocable obstacle if we are to emerge from underdevelopment.

Regionalization

14. The centralism which is a characteristic of the structure of Peru is in process of moving towards regionalization. This project when completed and put into practice will mean the total transformation of the structure of the State. The political Constitution of Peru, which has been in force since 28 July 1980, states in article 259: "The regions shall be formed on the basis of contiguous areas integrated historically, economically, administratively and culturally and make up geo-economic units".

15. "Decentralization shall be carried out in accordance with the national plan for regionalization approved by law."

16. And in article 261 of the same chapter it states: "The regions shall have economic and administrative autonomy. They shall be competent within their territory in matters of health, public works, roadways, agriculture, mining, industry, trade, energy, social security and labour and, in accordance with articles 24 and 30, in the matter of primary, secondary and technical education and in such other ways as are laid down by law".

17. The law on the bases for regionalization - Law No. 24650 - guarantees this competence in article 7(J) by indicating: the legislative and administrative competences expressly delegated by the Executive and Legislative Powers shall be exercised, together with those indicated in article 261 of the Constitution.

18. It is important to point out that the legislative process of regionalization under way, by which the regions have been created, nevertheless requires the codification of a large number of legal provisions which are now in force and which later will have to be adjusted if they are to be applied at regional level. The important part about this regionalization law is the access which women will have to this level of decision-making; an example is the Piura region, which covers 11 provinces in the north, with a regional government enjoying administrative and economic autonomy, as indicated by the same Law, which states in article 4: "The assembly of the Grau region is made up of 33 members distributed in the following manner: (a) 10 provincial mayors; (b) 13 delegates from institutions representing economic, social and cultural activities, as indicated in the following article: article 5: the institutions to which paragraph (c) of the present law refers are: (a) peasant and native communities; (b) agrarian cooperatives and other entrepreneurial and associative rural forms, such as agrarian producers; (c) universities; (d) trade union organizations; (e) entrepreneurial and private producer organizations that are non-agrarian;

(f) mothers' clubs and other women's organizations established by law;
(g) young town organizations, neighbours' organizations and associations of heads of family. For the first time in the government of the region the structure of the regional assembly of the Grau region ensures access for women in a specific and well defined way, despite the fact that all the organizations which compose it may have women in them.

19. The regionalization law is being transformed into a channel for coordinating governmental activities in which women will participate actively and directly.

Part II

The Convention and its application

20. Article 2 of the Convention accords with our Constitution as expressed in article 2 of title 1, chapter 1.2, on the person: every person shall have the right:

21. "To equality before the law without any discrimination on grounds of sex, race, religion, opinion or language."

22. "Men and women shall have equal opportunities and responsibilities. The law recognizes rights for women that are not inferior to those for men."

23. The incorporation of this constitutional provision is the consequence of pressure by groups of women who were able, in agreement with the Senate and at the request of a Senator, to get the Government to sign and approve, in the form of legislative resolution No. 23432, dated 4 June 1982, the Convention already signed by Peru at New York on 23 July 1981.

24. The authority for this provision is our Constitution which states in chapter V on treaties, article 101: "International treaties signed by Peru with other States form part of national law. In the event of dispute between the treaty and the law the former prevails." Hence the Convention has a binding force which protects and supports women against any discrimination.

25. As a consequence of this equality before the law, the Peruvian Civil Code of 1936 has been repealed and replaced by a new Civil Code promulgated in July 1984, in which there is amendment of the obsolete and marginal provisions contained in the former Code with respect to women, above all article 5 which made married women marginal and stated: "Men and women enjoy the same civil rights, except in the case of restrictions relating to married women".

26. The Civil Code of 1984 states in article 4: "Men and women have equal capacity for enjoying and exercising civil rights". Similarly, it has altered the situation regarding domicile and the right to bear one's own name or that of the husband; paternal authority is exercised jointly by the father and the mother during matrimony and both may legally represent the children. In the event of disagreement, the juvenile court judge rules on it as an incidental issue. In the event of separation, divorce or dissolution of the marriage, paternal authority is exercised by the spouse to whom the children are entrusted. The other spouse is suspended from the exercise of it (articles 419 and 42 of the Civil Code).

27. In conclusion the Civil Code states in the preliminary title: "The law does not protect against abuse of rights. The interested party may demand the adoption of measures to avoid or suppress the abuse and, as applicable, the relevant compensation."

28. In order of prevalence, the Convention, the Constitution, the law and other legal provisions applicable to protection of women's rights infringed by discriminatory activities are broadly backed up by Peruvian law.

29. And so we find that the legal provisions of later date than the adoption of the Convention embody the principle of non-discrimination.

- Legislative Decree No. 346, the National Population Policy Law, in article IV.9, guarantees the rights of persons to equality before the law, without any discrimination.

- The Civil Code of Procedure of 1912 is in process of being revised for purposes of amendment and harmonization with the new Civil Code.

Woman and education

30. The educational system governed by the General Law on Education 23384, which has been in force since May 1982, covers male and female pupils at all levels, grades and modalities of instruction and has been extended to the point where its mean annual growth rate exceeds the average for Latin America and the Caribbean; according to UNESCO on the basis of data from the Directorate for Statistics and Information of the Ministry of Education, between 1985 and 1988 there was a mean annual growth rate of 4.8 in school enrolment, which is equivalent to a figure of 3.2 for Latin America and the Caribbean.

31. The total enrolment attained 7,679,626 pupils, of whom the female school population was 3,560,000.

32. Between 1981 and 1988 there was a considerable increase in the offer of services which showed an enrolment growth rate of 4.21 per cent per year, the population growth rate being estimated at 2.5 per cent per year; this signifies great efforts to provide optimum coverage of the educational demand, despite major financial difficulties.

33. Of this total number of enrolments, 75.5 per cent correspond to urban areas, whereas the rural areas have a figure of only 24.5 per cent, with the basic primary level of education predominating.

34. A significant fact is that both in the urban and rural areas there has been a considerable increase in female enrolment at all levels:

Level	1981 (%)	1988 (%)
Initial	2.56	4.85
Primary	25.99	34
Secondary	10.67	16
Teacher training	0.08	1.2
Technological	0.29	0.58
Special	0.06	0.82
Vocational	1.29	3.04
University	1.09	3.5

35. With regard to vocational guidance there is neither exclusion nor priority for women. It claims equality of conditions for any university course without any restriction; and since the female school attendance rate in the primary and secondary classes has increased, the number of women requiring university education is greater.

36. Women students have access to the same study programmes and sit for the same examinations and tests; there is no distinction or preference with regard to men.

37. The educational system is mixed at all levels, but there are still a few colleges or educational centres which are only for men or for women, including a private women's university.

38. There is no form of training which is specifically geared to men or women; on the contrary, there is an ever more marked tendency towards integration.

39. The textbooks and teaching methods are the same and it is only this year that courses on family education for women and labour training for men have been introduced into the secondary school curriculum. This innovation is experimental in nature and the results will be evaluated for future use.

40. Scholarships and other grants for regular and post-graduate studies are awarded without distinction to men and women who apply for them, if they meet the necessary requirements, and the number of women who win these scholarships for studies in the country or abroad is on the increase.

41. Similarly, many women are achieving notable positions in the field of scientific and technological research, as well as in the arts and culture.

42. The eradication of illiteracy is a constitutional priority among the educational activities and it benefits mainly women, since the illiterate population is mainly female.

43. The figure of 58 per cent illiteracy in 1940 dropped gradually to 39 per cent in 1961, to 18 per cent in 1981 and to 13 per cent in 1987.

44. The Ministry of Education, through the Directorate for Adult Education, is implementing broad literacy programmes; these are of more concern in rural areas and in the southern uplands. In certain parts of the Andes instruction is bilingual; it starts with the native language and then gradually changes to Spanish.

45. Dropping out is a school problem which mainly affects women.

46. As far as school attendance by girls is concerned, we find a general lateness in the age when they start school and premature abandonment of studies, for the reasons already given.

47. Despite this fact, the educational level of Peruvian women rose from an average of 3.6 grades in 1971 to 5.2 grades in 1981 and to 7.8 grades in 1988.

48. There are no State programmes for women who abandon their studies prematurely. There are only a few official private programmes for helping pupils otherwise deprived of education to complete their primary and secondary schooling.

49. It is also important to point out that the number of women who after interrupting their studies on account of marriage return to the university and make good progress is increasing every day.

50. Peruvian women take an active part in sports and physical culture not only at school but also outside it. Through its specialized organizations the State lends the support necessary for taking part in national and international tournaments; women have won prizes in inter-American and world championships, first and foremost in volleyball, with world acclaim.

51. The introduction of family education into the secondary school curriculum as well as suitable sexual guidance for adolescent girls will help to ensure the health and well-being of the family.

52. There are information and counselling programmes on family planning entrusted to private organizations with funds from international organizations (popular education). Likewise, there is the National Population Council which is run by the State and "odd institutions" in the private sector which are carrying out this highly important task for the female population consistent with the parental responsibility enshrined in our Constitution and as provided for by article 10(h) of the Convention on Family Planning.

53. In concluding this part it should be pointed out that in Law 24310 of September 1985, treatment of women is recognized as legally binding in the first article: "The designation of any honour, academic grade, professional title, office, public function, job, employment or other vocational or labour activity, whatever its origin or level, shall be expressed, when it relates to women, in the feminine gender if such is grammatically possible".

54. And in the second article: "Women have a right to use the designations appropriate to them under the previous article, as well as to the relevant treatment even when their grades, titles, selection, appointment or contracting predate the entry into force of the present law. This law accords with article 2 of the Convention.

Women in penal matters

55. The status of women in the Penal Code is the same as that of men and the fact of being a woman is not a reason for either attenuating or aggravating the penalty. The Penal Code dates from 1924 and the Code of Criminal Procedure from 1940; this is why there are many amendments which have still not been adapted to meet the demands made by groups of women with regard to certain offences such as prostitution, which as a social problem is on the increase, especially in view of the economic crisis affecting the country; for many women it is a way of life in face of the few opportunities for obtaining jobs, especially among the poorer classes and despite the fact that our Constitution recognizes, as the rights of the person, the right to freedom and hence suppresses any form of trafficking and therefore trafficking in women. Nevertheless, there are regulations governing "Mayor's office" licences, updated on 25 February 1983, by which the provincial municipalities are responsible for issuing licences through the General Directorate for Internal Revenue so as to collect municipal tax at any place of amusement, including brothels and houses of assignation; the system regulates the location, the ban on work by under-age girls, renewable health certificates and obligatory enrolment in the Register of the Division of Special Licences, thereby

legalizing prostitution; nevertheless the Penal Code describes it as an offence against accepted custom and penalizes those who induce or coerce others to engage in prostitution and the exploitation of women for their own benefit (procuring).

56. Abortion is suppressed by law; there is a project under way for its legalization in view of the new currents of opinion in favour of voluntary interruption of pregnancy. The law only recognizes therapeutic abortion, which means that a large percentage of women have secret abortions, with fatal consequences, since it is generally practised by charlatans.

57. The situation with regard to women in prison is also alarming: the prisons come under the Ministry of Justice; the position of the women in them is depressing since we have a penal establishment for women in Chorrillos, which was constructed for 250 inmates, but at the present time contains more than 600; a feature of this prison is the fact that it has a kindergarten for the children of the inmates; if they arrive in a pregnant state, the women have their children there and they remain with them; if the woman prisoner has no one to leave her under-age children with she has to take them along to prison where they "serve" the sentence together with their mother.

58. There are penal establishments for women in Callao, Puno, Chiclayo and Arequipa and in some of the men's prisons in the country there are special wings adapted for women.

59. Of the total prison population in Peru there are approximately 17,000 men, while the women do not even number 700; over the last five years the incidence of crime has changed and the offences of drug trafficking, abortion, robbery, larceny and armed assault have increased; women are finding their way into terrorism as well in an alarming proportion. As a result, reprieve is recognized by the Constitution in article 211.23 and the President of the Republic has the power to pardon convicted persons who demonstrate by their good conduct in prison that they are fit for reintegration into society. This does not apply to drug traffickers or terrorists; of the 142 persons pardoned on 26 July this year only eight were women, seven from the Chorrillos Prison and one from Puno. Drug trafficking has become more frequent in our country and is found at all social levels. The problem of "urban micro-marketing" occurs mainly in the capital and has created social problems which degrade men, women and children physically and mentally and, furthermore, a large number of unemployed persons have found in this illegal activity a source of relatively easy income.

60. Statistical data on the prison population indicate a higher incidence of drug trafficking among men, but the frequency of this offence among the female prison population is also high.

61. As regards abortion, the reasons for it are most often economic considerations, as well as psychological states, social factors and improper medical care.

Women and work

62. Regardless of the fact that the Constitution and laws recognize equal pay and the right to promotion under equal conditions, in actual practice during the stage of crisis, inflation and recession that we are going through, women are always ignored and left behind.

The State Secretariat for Women's Questions

Women's policy is not an area of politics which can be limited in terms of substantive issues. Every political issue is at the same time an issue of women's policy, an issue also concerning women. The work of the State Secretariat is correspondingly wide-ranging. In the formal sense, its work covers essentially two large areas: "top down policies" (initiating legislative activities, assistance and incentives, activities to raise the level of consciousness and influence mental attitudes) and "bottom up policies", i.e. direct cooperation with women from all areas of society for the purpose of forming opinions, exchanging experience and developing strategies.

o One of the key areas of the Secretariat's work is its continuous cooperation with the various Ministries through interministerial working parties. In this way, legislation can be prepared to ensure equality and discriminatory provisions can be eliminated. All legislative bills and draft executive orders are screened to see whether they conform to the Anti-Discrimination Guidelines issued by the Secretariat on the lines of the Convention. One of the aims of the Secretariat is to ensure, in addition to formal legal equality, the passing of legislation to give women social equality. As a result, a considerable number of legislative amendments were enacted in the period under review (e.g. abolition of the liability to gift tax for non-working wives, further adjustment of school curricula, draft legislation to reform the criminal law in respect of sexual offences) which will be described in greater detail in Part II of this report.

o Another key area is efforts to achieve de-facto equality of women. In the period under review, steps were taken in particular to improve the professional position of women, to overcome segregation of the labor market ("male and female occupations"), which is one of the main causes why women earn less

than men, and to promote de facto equality of women in employment. The achievement of these goals is to be facilitated both through the "Program for the Advancement of Women in the Federal Service" and the "Daughters can do better - planning one's career is planning one's life" project (cf. Part II/4 para.1).

o Since 1987 the State Secretariat für Womens Questions has had the central coordinating role in relation to international womens affairs at the national level (except for co-ordination with the International Labour Organization). This includes international aspects of womens questions in connection with the United Nations, the Council of Europe (e.g. the preparation of the Second European Ministerial Conference on Equality between Women and Men held in Vienna, July 1989), and other international organizations. It also includes co-ordination of international aspects of womens questions at the ministerial level in Austria and with regard to bilateral relations with other countries.

o In order to give women from all social and political sectors an opportunity to discuss problems and to cooperate actively in finding appropriate solutions, the State Secretariat for Women's Questions organizes regular hearings (inquiries on women's issues in Vienna and so-called women's fora in the other Austrian states), where questions relevant to social development are discussed.

In the period under review, seminars were organized relating to the following topics:

- Employment: Tell me where the women are ...;
- Daughters can do better - planning one's career is planning one's life;
- Perspectives of the 3rd World Conference on Women;
- Women discuss new forms of politics;

- Is every second MP a woman?;
- Women away from home;
- Dealing with "value-free" science, neutral technology and the restraints of real life;
- Medical and legal aspects of genetic engineering and reproductive technology;
- Single parents - one (my) form of life.

o The State Secretariat organized specific seminars for women in all of Austria. They include:
- Self-assertiveness seminars for women;
- educational seminars for rural women;
- seminars for women who want to work with women.

o The Women's Service Unit set up within the framework of the State Secretariat continued and expanded its activities in the reporting period. The unit has an individual advisory function on the one hand, but is also used by women to discuss problems calling for a general solution, which can be found in the vast majority of cases. On average, some 1,500 women call on the Secretariat personally and some 7,000 are given advice by the Secretariat staff per year.

o Cooperation with autonomous women's projects and self-help initiatives play a particularly important role. To promote and assist such grassroot initiatives is one of the prime tasks of the Secretariat. In this context, the Secretariat serves both as a point of contact (information and counseling) as well as a liaison office for dealing with public authorities and as a platform for exchanging experience.

o Within the framework of publications, the Secretariat attempts to provide information to large groups of the population, to make them aware of the various disadvantages

experienced by women and to inform women above all of their rights and possibilities so that they may make use of them.

In 1985, a Report on the Situation of Women in Austria was published. This second comprehensive report (the first one was published in 1975) provides data on developments, facts and problems related to women in Austria and also serves as a basis for political activities. The report consists of eight parts:

- womens life styles
- education
- employment
- health/illness
- politics/laws
- media and opinion-forming initiatives taken in the fields of culture and the arts
- documentation of female-specific activities
- summary

The report was disseminated to universities, research institutes, libraries, professional representative bodies and political institutions. A summarized version of the report entitled "Women in Austria 1975-1985" (published in German, English and French) may be obtained by all persons interested in women's issues. Other brochures published by the Secretariat include:

- Frauen sind initiativ (women are active), information to and on women's initiatives in Austria,
- Töchter können mehr (daughters can do better),
- Was tun, wenn es zur Scheidung kommt (what to do in case of divorce), 2nd revised edition.

In addition to the above, the Secretariat publishes an information sheet entitled "Women" four times per year.

Federal Ministry of Labor and Social Affairs

The State Secretariat for Working Women's Affairs, which existed within the Social Ministry between 1979 and 1983, was converted in 1983 into a Women's Affairs Unit in the course of a government reorganization. This unit took over the tasks of the former State Secretariat. In the meantime, the unit has been upgraded: In 1988, the Division for Basic Women's Issues was set up which is answerable directly to the federal minister. The division's responsibilities include: dealing with principal issues of the ministry's policy with regard to equality, equal treatment (not including the Commission on Equal Treatment) and the advancement of women, e.g. through counseling, coordination, research activities, promotion of women's initiatives, educational and information activities.

The second organizational unit set up within the framework of the Federal Ministry of Labor and Social Affairs in 1966 dealing with the equality of women and men has also extended its scope of action. It became the "Division for Industrial Relations and General Affairs of Working Women". In the following, the activities of both divisions are outlined together:

o The key activities continued to be efforts to reduce income discrepancies between women and men, to eliminate the gender-specific segregation of the labor market, to achieve equality in the field of social security and to improve career information, training and occupational possibilities, working and living conditions of women (harmonization of occupational and family obligations). The yearly report published by the Federal Ministry of Labor and Social Affairs contains an detailed section on the development of incomes, which also describes gender-
specific income discrepancies.

The employment situation of women was dealt with in 1987 in a brochure entitled "Trends of Female Employment", which also includes promotion policies (series "Gleichbehandlung ist das Ziel" /Equality is the goal/, No.13).

The "Labor Market Policy Program for Women" drafted by the women's unit of the FMLSA together with the employment service (cf. Part II, article 4, para.1) is of particular importance as it is an active step toward promoting equality between women and men. In 1986, a comprehensive program was adopted entitled "Policies and Perspectives of the Federal Ministry of Labor and Social Affairs concerning Equal Treatment of Women" (cf.Part II, article 7, subparas (b) and (c)).

o In the reporting period, a large number of women's initiatives and projects received advice, assistance and promotion. For this purpose, an earmarked budget was set up in 1982, which amounted to AS 1.8 mio in 1987, but was reduced to AS 1.6 mio in 1988. At the same time, the number of women's initiatives and projects has been increasing. They are primarily concerned with counseling and educational activities. Such initiatives were also set up in the social, cultural, communicative and vocational fields. Their aim is to contribute to improving the situation of women in the labor market and to create jobs within their own fields of action.

o The elimination of all forms of discrimination against women was also enhanced by various research projects on sex-specific discrimination as well as on equality and the advancement of women. The areas of research included, above all, working conditions and work strain, training, sex-specific social situation, unemployment and employment. Among others, research projects were carried out in respect of the following topics and -
if completed - their results were published:

give women access to the air traffic control service and to posts as heads of railroad stations. The training workshops of the Austrian Railroads and the Postal Administration now train girls as engineers and telecommunication fitters.

In the individual ministries, the implementation of the Program for the Advancement of Women in the Federal Service is mostly in the hands of so-called "liaison women": In order to prepare them for their task, they receive special training at the Federal Administrative Academy. All male and female federal ministers are requested to ensure that every liaison women may take part (at least once a year) in such training courses. If necessary, the training is also carried out outside Vienna in order to enable women having family responsibilities to participate. In addition, there are regional and supra-regional events for liaison women. They offer the opportunity to have an in-depth exchange of views and strengthen the feeling of solidarity.

A current priority are the working conditions within the federal service, in particular the problem of screen work. Within the framework of a joint decision, all federal ministers undertook in 1986 to take care in their ministries that screen working places are shaped ergonomically in order to avoid strain on the employees as much as possible. Also, employees must be informed of the necessity to take regular breaks.

In the period under review, the advancement program was extended to include the nationalized industries. A separate program of action was launched to increase the share of girls in the technological training facilities of the nationalized sector. The result: In 1986, 50 girls started training as fitters in the VOEST Alpine conglomerate.

Of a total of 365 apprentices in the public service (not including railways and postal services), who are not administrative apprentices or trained to be clerks, 119 are women - women who do not train in "typically female professions".

Another step taken by the federal government and primarily designed to combat youth unemployment among school leavers is the qualification training scheme launched in 1986. Within the framework of this scheme, trainees are prepared for the federal service. It consists of practical on-the-job training connected with theoretical courses. It has turned out that mostly women are the beneficiaries of this program: Out of some 1,100 trainees, 760 are female. The average ratio of trainees actually admitted to the federal service amounts to two thirds. At present, qualification training is available for jobs in the A/a (academic) and B/b (high-school) categories.

A promotion program similar to that for women in the federal service has meanwhile been launched for women working for the Vienna local administration. It is designed to ensure equal opportunities for women when hired, during advanced training and in case of promotion.

In this connection, mention may also be made of the discussion that is under way in respect of the quota system for women in the public service. Such a system, however, would be restricted by formal requirements (constitutional law) and would possibly entail not only advantages for women but also disadvantages. In concrete terms: There would be the risk that in sectors where the share of women is above average it might gradually decline. That is why it has been regarded as more useful to make provision for certain percentage rates of increase which would depend on the situation prevailing in the respective areas.

In 1985/86, a Labor Market Policy Program for Women was launched for the first time. This program was intended to serve as a long-term guideline for labor market authorities and comprises a variety of specific measures. They relate, among others, to

- career information and motivation of women,
- financial assistance for courses (preparatory job courses, intensive training courses for skilled workers, measures for obtaining higher qualifications),
- promotion of all measures designed to ensure equality between female and male job-seekers,
- promotion of all measures designed to ensure women access to qualification and advanced training, including areas where women have so far been hardly represented or have not been represented at all,
- promotion of women's initiatives creating jobs in their respective fields of action and designed to increase job opportunities for women in the labor market,
- improvement of the availability of child-care facilities (daytime mothers for infants; opening hours of kindergartens suitable to working mothers).

In order to facilitate the implementation of the Labor Market Policy Program for Women and to promote equal opportunities and equal treatment, there are liaison women in each of the regional employment offices ("liaison persons for problems and concerns of working women at the regional employment offices"). For these liaison women, special seminars are organized every year. In order to make the individual (male and female) collaborators of the employment services sensitive to their tasks, the FMLSA conducts internal advanced training programs. In 1986, for instance, "equality training" was provided to 400 employees of the employment offices. In the light of the experience gained in this connection, it appears necessary and

meaningful to provide such training to all employees of the employment services for a longer time.

In implementing the Labor Market Policy Program for Women, the employment services have set different priorities depending on the individual State and have installed counseling services for girls and women. Currently there are three such services (at Vienna, Salzburg and Graz). Their task is to provide assistance to the disadvantaged groups of the labor market. Starting out from the occupational aspirations of the women concerned, it is being tried - in cooperation with the employment offices - to find possibilities of integrating them into the working process (courses, training, posts).

Due to the developments in the labor market (sharper increase and less pronounced decrease of the rate of unemployment for women; rising share of women in long-term unemployment), specific and intensive counseling of jobless women is one of the priorities of future activities of the labor market authorities.

Article 5 para.(a)

A great variety of awareness raising measures designed to eliminate stereotyped roles for men and women was taken in the reporting period. To give some examples:

In 1984, the State Secretariate, in cooperation with the education, science and social affairs ministries, launched a huge information campaign entitled "Daughters can do better - planning one's career is planning one's life" aimed at over- coming the segregated labor market, informing girls about the significance of gainful activity, encouraging them to choose vocations and studies other than "typically female" ones. Within the framework of this project, there are regular information activities for school girls, teachers and parents; girls or parents who want to get advice by telephone can make use of a "hot line"

service; a brochure informs on future-oriented education and training opportunities. In addition, there are preparatory courses for girls who want to take up technical jobs. In order to combat the choice of rôle-specific careers, the employment authorities get in contact with the girls and boys attending primary and secondary schools some two years before they leave. The aim of these talks is to provide information on all factors that (may) influence the choice of occupation and to encourage them to think their choice thoroughly over. Especially school girls are informed in this connection of the possibilities of going into non-traditional jobs.

At present, activities focus on the training of girls in mathematics and computer science. This requires that the reasons for the "technological distance" of girls are studied and removed. In this connection, the FMEAS commissioned a study on the topic "girls and mathematics" (mathematics instruction in high schools, barriers blocking access to technological studies) and has launched further research activities (how adolescents get access to computers, interaction in mathematics instruction). Based on this, the Women's Office at the FMEAS published a brochure entitled "Girls and Computer Science". It contains organizational and factual proposals which are to ensure that girls have equal access to basic training in the field of computer and communications technology.

Essential efforts to reduce rôle cliches have been made in the field of education:

In their Working Agreement, the Austrian Federal Government commit themselves to the elimination of still existing gender-specific aspects of instruction and have taken measures - in compliance with the obligations undertaken by ratifying the UN Convention on the Elimination of All Forms of Discrimination Against Women - to eliminate such prejudices and discrimination in the field of education. Also cf. Article 10, paras. (b) and (c).

In 1984, the FMEAS issued an ordinance concerning "education designed to create partnership and equality between the sexes as well as a reduction of sex-specific prejudices". The aims of such education are among others:

The pupils are to recognize that

- women and men are bearers of certain traditional social, yet changeable, rôles,
- acceptance of such rôles is connected to certain modes of behavior, tasks and expectations,
- acceptance of sex-specific rôles entails disadvantages.

In 1984, the State Secretariat for Women's Questions organized a competition looking for comics in which the traditional division of rôles and tasks was being questioned. The booklet "A Family. Stories from Everyday Life" was awarded the first prize and was distributed to all pupils between 10 and 14 in the 1985/86 school year.

In order to lead girls and boys - as was called for in a resolution of the National Council in 1985 - toward responsible partnership in the various social fields, the FMEAS published in 1987 a media package on the topic "Women and Men: Partnership". This package consists of teaching aids on the historical and actual division of tasks between the sexes (publications, sound and video cassettes, suggestions for instruction, games and reading lists). It has been made available free of charge to schools (1st secondary stage) and teachers' training institutions.

In connection with information measures on academic studies and job opportunities, a film on the situation of women in technical and natural-science education and professions was produced by the FMEAS in cooperation with the FMSR for schools, it can

Intensive efforts were made regarding the improvement of career guiding services for girls, especially with respect to the choice of non-traditional professions offering horizontal and vertical mobility, as well as to the promotion of the interest in technical education. The Promotion Program for Women in Teaching Professions with a Low Female Content (less than 32%) is being continued.

In 1985, the Women's Office of the FMLSA, in cooperation with the Women's Office of the Vienna Chamber of Labor and the Austrian Trade Union Federation, organized an inquiry on the topic "Wanted: Skilled Female Workers". This inquiry dealt with the results and conclusions of the three-year research project "Girls in non-traditional professions". In this context, reference may be made to the explanations on Article 5 para.(a).

The Federal Ministry of Education, Arts and Sport also supports extra-mural educational measures aimed, among others, at eliminating rôle cliches: Summer seminars for girls as a motivation to take up technical jobs; career guiding weekends, meetings for the retraining of housewives and girl students; working meetings for female teachers; counseling services for women.

A university chair, which also deals with women's studies, was set up in 1988 at the School of Social and Economic Studies of the University of Innsbruck; its title is "Austria's Political System with Particular Emphasis on Women's Studies". The universities have two areas in which issues specific to women are dealt with and which have developed only during the last years:

- Lectures within the framework of studies for graduates and non-graduates: For promoting the teaching of matters specific to women, the Federal Ministry of Science and Research has been providing a special number of lectureships. In the 1988/1989 academic year, this contingent included 147 semester week hours per academic year. These lectureships are applied for by the

competent university bodies. The FMSR working group for the implementation of the advancement of women in the federal service is preparing criteria for such assignments (priorities in terms of contents and regions).

- Advanced training courses, which could be described as extramural studies: These seminars are organized primarily by the women's section of the Austrian University Students' Organization in cooperation with dedicated female scientists and women's groups. The activities are funded by the FMSR as well as by the FMEAS.

In addition, an Austrian Summer University for Women has been organized five times to date. In the 1988 summer semester, the third "Evening University for Women" was organized at Vienna. At the Bregenz Study Center of the Interuniversity Research Institute for Correspondence Studies, seminars were also organized in 1987/88 on women's issues.

Article 10 para.(h)

Cf. Article 10 paras (b) and (c): Comment on the amendment of the SOA concerning the subject "home economics".

In cooperation with the Federal Ministries for Education, Arts and Sport and Youth, Family and the Environment, a media package is being prepared with the title "Partnership: Love and Responsibility". This collection of teaching material is to give teachers assistance in the subjects of sexual education.

Article 11 para.1

Also see:
Article 2 para.(b) and (c): Law on the Equal Treatment of Women and Men in Working Life,

Article 4 para.1: Program for the Advancement of Women in the Federal Service and Labor Market Policy Program for Women,
Article 5 para.(a) Daughters can do better,
Article 7 paras.(b) and (c): Program launched by the FMLSA "Measures and Perspectives for the Equal Treatment of Women".

Article 11 para.1 subpara.(b)

Corrigendum as regards the Initial Report of Austria. In the initial report, reference was made by mistake to a "federal law" of 1979. Rather, it was a regulation on employment bans and restrictions for female employees issued in 1976 by virtue of the Protection of Workers and Employees Act.

Article 11 para.1 subpara.(c)

The employment services organize courses for jobless young persons aimed at providing an opportunity for both sexes to learn manual skills. A research project launched by the Federal Ministry of Labor and Social Affairs, for instance, focused on innovative models from various European countries for the advanced training of women in the field of new technologies; the results were disseminated to the competent authorities.

The career guidance courses organized by the employment services in the reporting period are an important factor for integrating women into the labor market. Such courses enable women to reconsider the choice of their jobs and careers, they provide a survey of the situation prevailing in the labor market as well as of retraining and training opportunities for jobless women. Scientific counseling and evaluation of the first of such courses (1986-1987) have shown that they were successful. A further step consists in preparatory courses which are to enable women to overcome qualification deficits and to attend higher qualification courses which so far have been open almost only to men.

Article 11 para.1 subpara.(d)

According to 1987 micro-census (population count) data, the average personal net income of men is some 23% higher than that of women in Austria. In the public service, the income edge of men amounts to nine percent; in the private sector, male workers earn 37% and employees 43% more than their female counterparts. (For these data, incomes were calculated on a 40 hours per week basis, transfer incomes are not included). These income disparities have "grown historically" (rôle-specific choice of professions in conjunction with a lower rating of traditional female activities; fewer advancement opportunities for women; unequal distribution of family responsibilities; percentage increases of wages). For years, the bodies dealing with women's issues, above all the State Secretariat for Women's Affairs and the Federal Ministry of Labor and Social Affairs, have been working on the elimination of the causes of income discrepancies between the sexes. Cf. measures referred to in Article 11 para.1.

The slight difference between wages for women and men in the public service is the result of sex-neutral payment regulations and also of women's higher level of education compared to the private sector. The fact that there is a difference nevertheless results not only from the general reasons given for the different wages but also from the principle of payment and advancement in the public service which is based on seniority. The fact that the share of women in public employment was lower in the past thus has consequences still today.

Article 11 para.1 subpara.(e)

On January 1, 1985, a reform of Austria's pensions legislation entered into effect for both dependent employment and self-employment (40th Amendment to the General Social Insurance Law, 9th Amendment to the Farmers Social Insurance Law, 8th Amendment to the Self-employed Social Insurance Law). In connection

with the creation of a new pensions calculation system, this amendment introduced a new component, i.e. the socalled "children's increment". This increment is to improve the situation of insured women who had to interrupt their careers because of children. In concrete terms: Women having less than 30 years of insurance coverage get a "children's increment" for each child born alive or adopted as an infant, amounting to not more than three percent of the assessment basis. Another provision applies both to women and men, but benefits primarily women. In this provision, the "coverage regulations" are replaced by an "unlimited time of entitlement". This means that - after expiry of the transition period in 1989 - contribution periods acquired at any time are taken into account when the pension is assessed, if the insured person has at least 180 months of insurance coverage. Longer interruptions of the contribution periods thus can no longer result in a loss of all contribution periods acquired.

In this connection, however, the problem arises that equal rights by no means lead to de-facto equality as discrimination against women in the labor market has its long-term effects. A variety of amendments to the General Social Insurance Law have strengthened the insurance principle. Although advantages were introduced for women (e.g. the mentioned children's increment), the elimination of the basic safeguarding elements and the extension of the assessment period (e.g. the strengthening of the insurance principle) might lead to lower pensions for newcomers. This affects, among others, women whose time of coverage is shorter. In their case, the introduction of the children's increment does not fully compensate them for the loss of the basic amount.

A similar problem has turned up in respect of the right to social security in the case of unemployment. As entitlement to unemployment benefits is governed by the insurance principle and its amount is dependent on the last gross income, benefits

are not sufficient for a large number of women to ensure their living. If as a comparison, the "equalizing supplement guiding ratio" provided for under the old-age pension scheme for single persons is taken as a measure for minimum benefits, one can see that in 1987 the share of women getting less than this ratio (1987: AS 4,868) was as follows: as regards unemployment benefits: 58% women (21% men), emergency assistance; 67% women (36% men). Therefore, it is tried to get a minimum guarantee as regards unemployment benefits and emergency assistance.

An important step toward putting women on an equal footing with men was the modification of the Emergency Relief Regulation (1988). Until then, women whose husbands had a full-time job were excluded from the regulation. The new provisions are sex-neutral and provide for both sexes that the income of the other spouse is taken into account.

Article 11 para.1 subpara.(f)

As regards the prohibition of night work for women, Austria has made a reservation to the UN Convention on the Elimination of All Forms of Discrimination Against Women. The Amendment of the Night Work Act (1986) made for a liberalization of the ban on night work in some areas. The results were, for instance, a general exclusion of instruction and educational activities, of female interpreters for conferences, of female employees of legally recognized churches and religious associations, of female workers in federal agricultural and forestry enterprises, and of female telephone operators of the emergency services from the application of the Night Work Act to women. Female employees of legally recognized churches and religious associations, who render pastoral services, may now work until 11 p.m. The rendering of social services by women during the night may be permitted after authorization of the Federal Ministry of Labor and Social Affairs has been obtained.

Introduction

1. As a State Party to the Convention on the Elimination of All Forms of Discrimination Against Women, the Republic of Korea submits, in accordance with article 18 of the Convention, its initial report to the Committee on the Elimination of Discrimination Against Women for the Committee's consideration.

2. A number of Korea's post 1985 initiation focused on women's development. The most important achievement was the establishment of a Ministry of Political Affairs II with a woman Minister to deal with women's affairs in general at ministerial level(1988), and the establishment of fourteen Family Welfare Bureaus with women director-generals to deal with women's welfare at the local level (1988).

3. The women's development goal has been pursued by the government of the Republic of Korea, which is firmly convinced that women's development should be integrated into national development, and as a result a women's sector was for the first time included in the 6th 5-Year National Socio-Economic Development Plan (1987-1991).

4. With the initiation of the 6th Republic of Korea, government policies on women placed emphasis on systematically ensuring women's participation in social and economic activities and on expanding welfare facilities for women. The details of these policies include revision of the family law aiming at eliminating discrimination against women, implementation of the Equal Employment Opportunity

Act, vocational training and job development for women, enactment of the Maternal-Child Welfare Act and the expansion of child care facilities.

5. Progress in implementing these government policies includes : the revised family law bill has been laid before the National Assembly; the Equal Employment Opportunity Act went into effect in April 1988; the Women's Vocational Training Center was set up and will begin to recruit trainees from 1990, and the measures to activate women's participation in mainstream public vocational training has been suggested by the government and concerned institutes.

6. The Maternal-Child Welfare Act was enacted in April, 1989; the workplace day-care centers are being set up, rental apartments for working women have been under construction since 1981. The revision of educational curricula to eliminate sexual discrimination began to be revised from 1989, and support measures to increase women's participation in the decision-making process have been suggested in line with the Local Self-Government System which will begin in 1990.

7. The Korean government and all its citizens will work together with hope and patience to establish a society based on the equal partnership of men and women by eliminating traditional discrimination against women in keeping with the basic lines adopted in the Women's Sector of the National Plan and the women's policies which will be developed on the basis of the Women's Sector specified in the 'Long-Term Perspectives of National Development Toward the Year 2000' prepared in 1986.

8. The Republic of Korea will make every effort to develop a network of communication and exchange with other organizations to form a common front reflecting women's interests in public policy-making. We also hope to develop a system of international cooperation as Korea prepares itself to develop into an active member of the international community.

PART I - GENERAL

Women's Status under the Constitution

9. Since its enanctment in 1948 the Constitution of the Republic of Korea has recognized the equality of men and women as a supreme principle of the State. The principle is concretely manifested in various articles of the Constitution.

10. The current Constitution, amended in 1987, emphasizes equal treatment and equal opportunities for all persons, regardless of sex, by stating in its preamble "--- to destroy all social vices and injustices, to afford equal opportunities to every person, and to provide for the fullest development of the capabilities of each individual in all fields, including political, economic, civic and cultural life by further strengthening the basic freedom and democratic order ---."

11. The Constitution states in article 10 that "all citizens shall be assured of human worth and dignity and have the right to pursue happiness." It clearly bans discrimination on account of sex, by providing in article 11 that "all

citizens shall be equal before the law, and there shall be no discrimination in political, economic or cultural life on account of sex, religion or soical status." Furthermore, the new constitution makes clear that women shall not be discriminated in recruitment, wage and other working conditions (article 32), that the State shall make efforts to promote women's welfare and their rights (article 34), and that the State shall make efforts to guarantee maternity protection (article 36).

12. The Republic of Korea ratifying the Convention on the Elimination of All Forms of Discrimination Against Women in December, 1984 has attempted to formulate and revise relevant national legislation to ensure the ideals of equality and development of women prescribed in the above-mentioned articles.

National Machinery for Women's Affairs

13. With joint efforts for the advancement of women by women's organizations and the government, three institutions were established in the 1980s, the Korean Women's Development Institute, the National Committee on Women's Policies, and the Ministry of Political Affairs II.

14. The Ministry of Political Affairs II was inaugurated on February 25, 1988 at the beginning of the 6th Republic with a woman cabinet minister. It is responsible for social and cultural affairs, particularly those related to women, children, youth and elderly. It is in charge of formulating and implementing policies to solve women's problems.

15. The central administrative system dealing with women's affairs is composed of Ministry II and the Women's Welfare Division of the Family Welfare Bureau of the Ministry of Health and Social Affairs. The Women's Welfare Division sets up general plans for women's welfare, administers women's guidance and enlightenment programs, and supervises shelters for disadvantaged women. Fourteen Bureaus of Family Welfare at the municipal and local government were established with women heads in 1988, which works for women's welfare in their respective areas and has a close tie with the central Women's Welfare Division.

16. There are other divisions dealing with women's affairs under the Ministry of Home Affairs, the Ministry of Education, the Ministry of Labour, the Rural Development Administration and the Patriots and Veterans Affairs Agency. Especially, the Women and Youth Division of the Labour Standards Bureau of the Ministry of Labour works for the improvement of labour conditions and provides protective guidelines for women labourers. A Women's Affairs Guidance Officer, who is an assistant to the Vice-Minister of Labour, also deals with special protection and guidance for women labourers.

17. The Korean Women's Development Institute was established on April 21, 1983 as a national machinery to deal exclusively with women's affairs. It is fully funded by the government, and undertakes comprehensive research projects relating to women, provides education and training programmes to develop women's potential, and initiates various action-oriented programmes concerning women, supports women's organizations, participates in international efforts on the implementation

nation including 30 in Seoul. However they also require governmental financial support, since most of them suffer from the problems of financial difficulties and lack of space and facilities.

37. The day care policy supported by the government also applies to day care centers at work. The Ministry of Labor provides in Article 12 of the Equal Employment Opportunity Act that "the Employer should provide necessary facilities for childcare such as breastfeeding and day care to support the continued employment of working women." In 1989, the Ministry of Labour has advised 20 industries with more than 1,000 women workers to establish day care centers at workplaces, and as of June 6, 12 industries in Seoul and Pusan have opened day care centers.

38. Based on the Maternal and Child Health Act, the government is also improving services for pregnant mothers, post-natal care, and the systems of delivery and health care for infants and children. The government has constructed 97 MCH Centers to improve the health of mothers and children by increasing institutional delivery. The Committee on Mother and Child Health was set up under the Ministry of Health and Social Affairs in 1987.

Article 5

39. The government and Korean Women's Development Institute have co-sponsored a public hearing on the Maternal-Child Welfare Act in June 1988, and the Act went into effect in April, 1989. The law aims at guaranteeing and promoting a

healthy and decent life for fatherless families and consists of five sections and twenty eight articles which establish basic principles, provide for various kinds of welfare services, the establishment of welfare facilities,

40. The Korean Constitution clearly declares the principle of equal opportunity and sexual equality in the political, economic, social and cultural sectors. The spirit of sexual equality served as the basis of such laws as the Labour Standards Act, the Labour Union Act, the Equal Employment Opportunity Act, and the Education Act. All of them have been enacted under the jurisdiction of the democratic constitution, which is committed to the cause of dignity for individuals and the equality of men and women. The Labour Standards Act (art. 5), the Equal Employment Opportunity Act, and the Labour Union Act (art. 11) prohibit any discriminatory treatment against labourers or union members on the grounds of sexual difference.

41. As regards family education, the importance of family and maternity is emphasized in primary and middle school education. It is also taught that the responsibility for housekeeping and upbringing of children should be shared between the sexes. Some women's organizations provide courses on parental care and on the role of the parents, which both men and women are encouraged to attend.

Article 6

42. The exploitation or prostitution of women is prohibited by law in Korea. In order to prevent prostitution, the

government enacted the Prostitution Prevention Act in 1961 and the Enforcement Decree on the Prevention of Prostitution in 1969 the major points of which are as follows:

- Prohibition of prostitution (art. 4)
- Prohibition of pimping (art. 6)
- Establishment of a center for the protection of prostitutes (art. 7)
- Installation of facilities for vocational training of prostitutes, leading to their rehabilitation and self-reliance (art. 8)

Under the Penal Code, arranging for prostitution is a punishable offence.

43. The government established fifty-five Women's Counselling Centers at major cities to provide vulnerable women as well as women in prostitution with counselling. Twenty-six Women's Vocational Guidance Centers provide women in prostitution with vocational training and awareness education for their social reintegration.

Article 7

44. Since the creation of the Republic of Korea in 1948, women have enjoyed the same political rights as men. The Constitution provides that all citizens 20 years or older shall have the right to vote in all elections in accordance with the provisions of law. The Constitution also makes it clear that Korean women are eligible for election to all publicly elected bodies, by stating that all citizens shall have the right to hold public office in accordance with the provisions of law.

45. Korea has seen a steady rise of women's participation in national policy-making sectors, but not yet to a satisfactory extent. Women who have served as legislators total 60, of whom only 26.7 percent have been elected from electoral districts. The remaining 73.3 percent occupied seats in the National Assembly as the result of the national representation system. In the current National Assembly, only 6 of a total of 299 are women; that is 2.0 percent.

46. OF a total of 726,089 civil servants in 1988, 23.2 percent were women, of whom 58.5 percent were teachers in public schools. The higher the rank advances, the smaller becomes the number of women. Only 0.47 percent of civil officials of rank 5 and above were women in 1988.

47. Education is the most women-intensive area. There were around 113,814 women teachers as of 1988, representing 38.8% of the total. The increasing trend of women teachers has continued.

48. The proportion of women among political party members also shows a sharp increase in recent years as did the actual number of women party members. Among the executive committees of the major political parties, the ruling Democratic Justice Party has two women out of its total membership of 33, while the Opposition Party for Peace and Democracy and the New Democratic Republican Party each has one out of its 29-30 members. The Reunification Democratic Party has none.

49. The number of women judges and lawyers has also increased in recent years. There were only 6 women who had passed the national judicial examination in the 1970s but 68 more during the 1980s.

50. In the press, 2,694 women, who represent 12 percent of all workers engaged in the mass communication sectors, are working as reporters, producers, scriptwriters, and administrative clerks.

51. Article 21 of the Constitution guarantees freedom of association, which, like all other constitutional provisions, applies equally to men and women. Korean women participate to a very large extent in the activities of non-governmental organizations.

52. There are 60 organizations which are registered with the government and about 2,200 organizations not yet registered. These organizations have participated in society by providing education, health care services, legal counselling, consumer services, and political channels. Some of them receive financial support from the government.

Article 8

53. The Korean government is emphasizing facilitating women's international cooperation activities by integrating measures for strengthening women's international cooperation into the Long-Term Perspective of National Development Toward the Year 2000.

Its major contents are :

- Readjust existing international cooperation system for women
- Develop international cooperation projects
- Function as the center for women's international coopera-

tion in Asia and the Pacific region

- Increase financial support

Article 10

54. Boys and girls, men and women enjoy equal rights and equal opportunities for education, training and vocational guidance.

55. The Constitution provides that all citizens shall have the right to receive an equal education corresponding to their abilities. (para (1), art 31) The Constitution furthermore states that all citizens who have children to support shall be responsible at least for their elementary education, and for the education as provided by law. (para (2), art 31)

56. In view of the increasing complexity of modern life and the need to cultivate a civic spirit, it will be necessary to develop various educational systems, in addition to formal education, so that citizens may continue to be educated throught their lives. The Constitution contains a clause calling for the promotion of adult and continuing education, vocational training, youth education, etc. (para. (5), art. 29), in order to realize the full potential of individual citizens and thus further national development.

57. In the process of industrialization, Korea saw a boost in both the schooling rate and the percentage of women students in higher education. These phenomena resulted from an increased student population, which, in turn, contributed

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 18 OF THE CONVENTION

Second Periodic Reports of States Parties

Addendum

REPUBLIC OF KOREA

Corrigendum

Page 2, paragraph 5, line 2

For the revised family law bill has been laid before the National Assembly read the Revision bill to the sex-discriminatory Family Law was passed in the National Assembly in December 1989 after a three-decade-old struggle by women's circles

Page 27

Paragraphs 82 and 83 should read

82. The revision bill to the sex-discriminatory Family Law was passed in the National Assembly in December 1989 after a three-decade-old struggle by women's circles. The amendment to the law is highly acceptable as it satisfies most of the demands voiced by the nation's female population. The brief contents are as follows:

- Adjustment of the confucian head-of-family system to reduce the family head's responsibility and power over the family and eliminate discrimination against women in the extended family system.
- Equality in determining the boundary of relatives to closer than third cousins on the husbands' and wives' sides.
- Adjustment of the property inheritance system to guarantee equal share among the children regardless of sex and order of birth.

- Rights to claim property by husband and wife based on the extent of one's contribution in saving up the fortune.
- Equality in exercising parental rights for husband and wife. The children custody which has been going automatically to the father's side upon divorce will be decided in court.

83. But a head-of-family system and a controversial ban of marriage between two people with a same surname and family origin still remain as the most difficult clauses to revise. But these are not an issue confined solely to women; these will gradually require a general consensus of the people and eventually lead to an all-out revision in the near future.

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PERU*

* For the intitial report submitted by the Government of Peru, see CEDAW/C/5/Add.60.

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63. With regard to the vocational situation, although women make up a population of 10,220,200, the number of economically active women is only 1,892,200; with regard to the levels of underemployment and unemployment among women, the figure is 81 per cent, as compared with men.

64. As a palliative measure for female unemployment, which mostly affects women in the urban-marginal areas where the bulk of them are "heads of family", the Government has been implementing programmes such as the Direct Support Programme (PAD), the Basic Infrastructure Programme for Food (PIBA), and the Support Programme for Temporary Income (PAIT).

65. PAD was created by gathering together the experience of women's organizations which have grown up since 1978: public kitchens, mothers' clubs and production shops. PAIT has attained broad projection. In nine programmes (urban PAIT), women represented 76 per cent, and carried out such tasks as collecting solid waste, basic sanitation, the restoration of reforestation tracks, painting of facades, and the fitting out and development of health stations; although these forms of temporary employment, without recognition of labour rights and with renumeration in cash or in kind, certainly have not guaranteed any permanency; the majority of the women were family mothers - 84 per cent - and their ages ranged from 24 to 45 years; these types of work require fairer legislation.

66. At the proposal of a Deputy, Law No. 24705 was promulgated in 1987; it recognizes housewives as independent workers, thereby making them eligible for health services, pensions and social security.

Women in public office

67. Since 1955, when women received the vote, their entry into politics has not been in proportion to the 50 per cent they represent; political parties do not give them the place that would be fitting for many women belonging to them. They are always given, from the male point of view, responsibilities that are typically female: fund-raising, secretarial work and any place on the lists of candidates that does not entail competition with the chances of a win by the men. In the Legislative representation of women is at the present time minimal: 10 Deputies and three Senators. In the Executive two women have been named as ministers for the first time in history, one in health and the other in education; the second one has retained her portfolio and her work has received the praise and recognition of the nation.

68. In the diplomatic service there are presently two women ambassadors, one of them accredited abroad and the other with a high rank in the Government; women have been incorporated into the diplomatic service with great effect. Very few women are mayors, Lima has had only one, and there are a large number of women "Regidors" throughout the Republic. For the first time a woman has been appointed Prefect in Huancavelica.

69. There is a woman Coordinator-General ("Centralera General") of the Republic and the National Auditing System, who supervises the implementation of the public sector budget, transactions involving the public debt and the management and use of public property and resources (article 146 of the Constitution), and who, furthermore, presides over the ILACIF (Latin-American Institute of Auditing Sciences), an international autonomous and apolitical body made up of all the auditing organizations of Latin America.

70. In the Judiciary and in the Ministerio Público there is great interest in bringing in women; for this purpose there is an open competition supervized by the Judges' Councils, both the district type and the National Council, recognized in Chapter X of the Constitution as autonomous organizations which put forward proposals to the Executive for the appointment of justices of the peace, judges of first instance, both civil and criminal, and various higher posts in the Judiciary.

71. A significant number of women are assistant police officers and court reporters.

72. The percentage of women appointed is still low compared with those proposed for the Councils; for example no woman has been a Chief Attorney or Member of the Supreme Court. Nevertheless, for the first time in the history of justice the Executive, at the proposal of the National Council of Judges, appointed a woman in 1987; the appointment was to be ratified by the Senate but the obstacles placed in the way by Senators are preventing this happening.

73. It is very important to point out that at the level of the Supreme Court there has been created the Academy of Judges, the Director of which is a woman who was elected at a plenary meeting from a short-list consisting of herself and two men.

74. Women do not have access to the armed forces; however, since 1975, the International Women's Year, they have been admitted to the Higher Military Studies Centre (CAEM), which is a research centre for the complex problems of national defence with full awareness of our reality, and the results which have been obtained represent a true body of national doctrine. Between 1975 and 1988, 26 women have graduated in various fields from the research centre.

75. The national police as an auxiliary force has policewomen and for the first time is opening an administrative office for women for the sole purpose of looking after women who are assaulted and/or assailed; this project was submitted by the same Deputy who introduced the Law by which a policewoman has access to the rank of officer.

Machinery and offices available to women

76. At Government level there is no coordinating body for the activities that should have been carried out since 1979 in order to implement the Convention; since the Peruvian National Commission for Women's Affairs (dissolved by a decree law in 1978) was set up, it has been mainly the private organizations that have been active and which do good work in a fairly significant number.

77. Some ministries have created offices for this purpose, the most important one being that of the Ministry for Foreign Affairs, namely the Directorate for Women's Affairs, and in the Ministry of Justice it is the Special Commission for Women's Rights; in the Ministry of Education it is the Commission on Women, Families and Population; equally, the Senate of the Republic is setting up a Commission on Women, Children, Youth and the Elderly. The municipality of Lima is founding the House of Women.

78. The project submitted by a woman Senator for the establishment of the House for Ill-treated Women was not approved by the Commission of Justice. The bulk of the bills submitted by women Senators have not received backing by the Senate.

79. Access by policewomen to the rank of officer has not worked out; the Administrative Office for Women has a male director.

80. A woman judge of the Higher Court was removed from office for having entered the Higher Military Studies Centre. The sanction was discussed on the basis of a habeas corpus writ, and she was reinstated several years later. Justice was done.

Jurisdictional competence for implementation of the Convention

81. The Law governing habeas corpus, Law No. 23506, and the law amending it, Law No. 25011 of 7 February 1989, is the safest legal channel for arguing any case of discrimination before the judiciary, since the action of guarantee is aimed at reverting to the state prior to infringement of or threat to a constitutional right.

82. Recognition of equality before the law is a constitutional right without any distinction for reason of sex, race, religion, opinion or language.

83. Habeas corpus is the channel for implementing the Convention, given that the constitutional guarantees are in line with the Convention and that the Treaty has preference over any other law, including the Constitution (article 101).

84. Article 4 of the Law on habeas corpus states: "If action by reason of the infringement of a constitutional right is exercised by the issuance of a due act the decision shall order the unconditional and immediate execution of the said act".

85. The instances are not exhausted in the Supreme Court; the Court of Constitutional Guarantees is competent to decide resolutions rejecting habeas corpus, when the judicial channel is exhausted; it also covers the same law on international jurisdiction, article 39, for the purposes of the provisions of article 305 of the Constitution; the international jurisdictional bodies to which one may have recourse if it is considered that the laws that the Constitution recognizes have been infringed are the Commission on Human Rights of the United Nations, the Inter-American Committee on Human Rights of the Organization of American States and others which are to be established in the future and which may be approved by treaties binding for Peru and which possess the category referred to in article 105 of the Constitution.

86. The status of women as marginal or discriminated against will last as long as women do not get themselves organized in accordance with the principles of the United Nations and the Organization of American States, with the support of the Government, not only as ministerial offices, but at the higher level of decision-making; plans for development should envisage the incorporation of women as planners, managers and directors of activities aimed at achieving the goals of the Convention, which coincide with those of our own Constitution.